



LANE COUNTY OFFICE OF LEGAL COUNSEL

PUBLIC SERVICE BUILDING / 125 EAST 8TH AVENUE / EUGENE, OR 97401 / (541) 682-4442 / FAX (541) 682-3803

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MEMORANDUM

DATE: September 26, 2013

TO: All Individuals, Media Organizations, and Labor organizations requesting release of the USO Investigations report of former Lane County Administrator Liane Richardson

FROM: Stephen E. Dingle, Lane County Counsel

RE: USO Investigative Report of former Lane County Administrator Liane Richardson

A number of requests have been received for the release of the report prepared by USO Investigations of former Lane County Administrator Liane Richardson. These requests have been made pursuant to the Oregon Public Records Act (OPRA), ORS 192.410 *et. seq.*

The requests were initially denied because the matter had been referred by the Lane County District Attorney to the Marion County District Attorney's Office for review and consideration of potential criminal charges. ORS 192.501(3) made the requested records conditionally exempt until a decision had been made on whether the matter would be prosecuted criminally. On Monday, September 23, 2013, the Marion County District Attorney declined to file criminal charges.

A section of the OPRA, ORS 192.423(1), permits a public body to release a condensation of significant facts in lieu of releasing the entire record. The release of the records today is pursuant to that provision of the OPRA.

The remaining portions of the report have been withheld based upon a number of exemptions in the OPRA. Lane County has a legal obligation to protect the identity of employees that come forward with information critical of Lane County leadership. ORS 659A.218 prohibits the release of the identity of an employee providing such information and makes disclosure of the employee's identity an unlawful employment practice. The OPRA incorporates this exception in ORS 192.502(9)(a).

The other portions of the report not being disclosed are because of other exemptions in the OPRA. Specifically, ORS 192.592(9)(a) [Attorney-Client privilege], ORS 192.501(1) [Records pertaining to litigation reasonably likely to occur], and ORS 192.502(4) [Information submitted to a public body in confidence].

The release of these public records is a balance of the public interest in the report and the legal obligations of Lane County described above.



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INTERDEPARTMENTAL MEMORANDUM ATTORNEY-CLIENT PRIVILEGED

DATE: August 2, 2013

TO: Lane County Board of Commissioners

FROM: Stephen E. Dingle, Lane County Counsel, and
H. Andrew Clark, Assistant County Counsel

SUBJECT: Independent Investigation Report

Attached is the report of the independent investigation you requested relating to charges raised by attorney Barry Davis on behalf of a Lane County employee. I have not reviewed the substance of the report prior to forwarding it to you nor has our office played any substantive role in its preparation. We wanted to be able to assure you that this report was the independent work of Mr. Olson and that our role was confined to certain administrative tasks. I am adding this cover memo so that you were aware of the legal status of this report.

The enclosed report contains confidential information, including attorney-client materials that should not be released to anyone without further counsel review and approval. This is to protect not only the privilege nature of the attorney-client materials, but also to avoid potential county liability arising from the release of personal confidential information.

The report is currently exempt from disclosure under the following exemptions/exceptions to the Oregon Public Records Law: (1) Personnel Matters - ORS 192.501(12); (2) Potential Litigation - ORS 192.501(1); (3) Confidential Submissions - ORS 192.502(4); (4) Internal Advisory Communications - ORS 192.502(1); (5) Attorney-Client Privilege/Work Product - ORS 192.502(9)(a) and ORS 40.225.

In addition, the release of this report in an un-redacted form could result in litigation against and liability for Lane County from Ms. Richardson or other Lane County employees who have provided information to the investigator with the understanding that the county would preserve their confidences to the greatest extent possible.

Finally, distribution of the report could result in a waiver of the privileges and liability for you as an individual or the County.

Please do not hesitate to contact me if you have any additional questions.

USO Consulting and Investigations

PO Box 21479

Keizer, Oregon 97307

Investigation Report

Lane County Board of County Commissioners

125 E 8th St

Eugene, Oregon 97401

MEMORANDUM

DATE: August 1, 2013
TO: Lane County Board of Commissioners
FROM: Gregory G. Olson USO Consulting and Investigations
RE: Investigation Report for Employee Complaint, Liane Richardson

CONFIDENTIAL

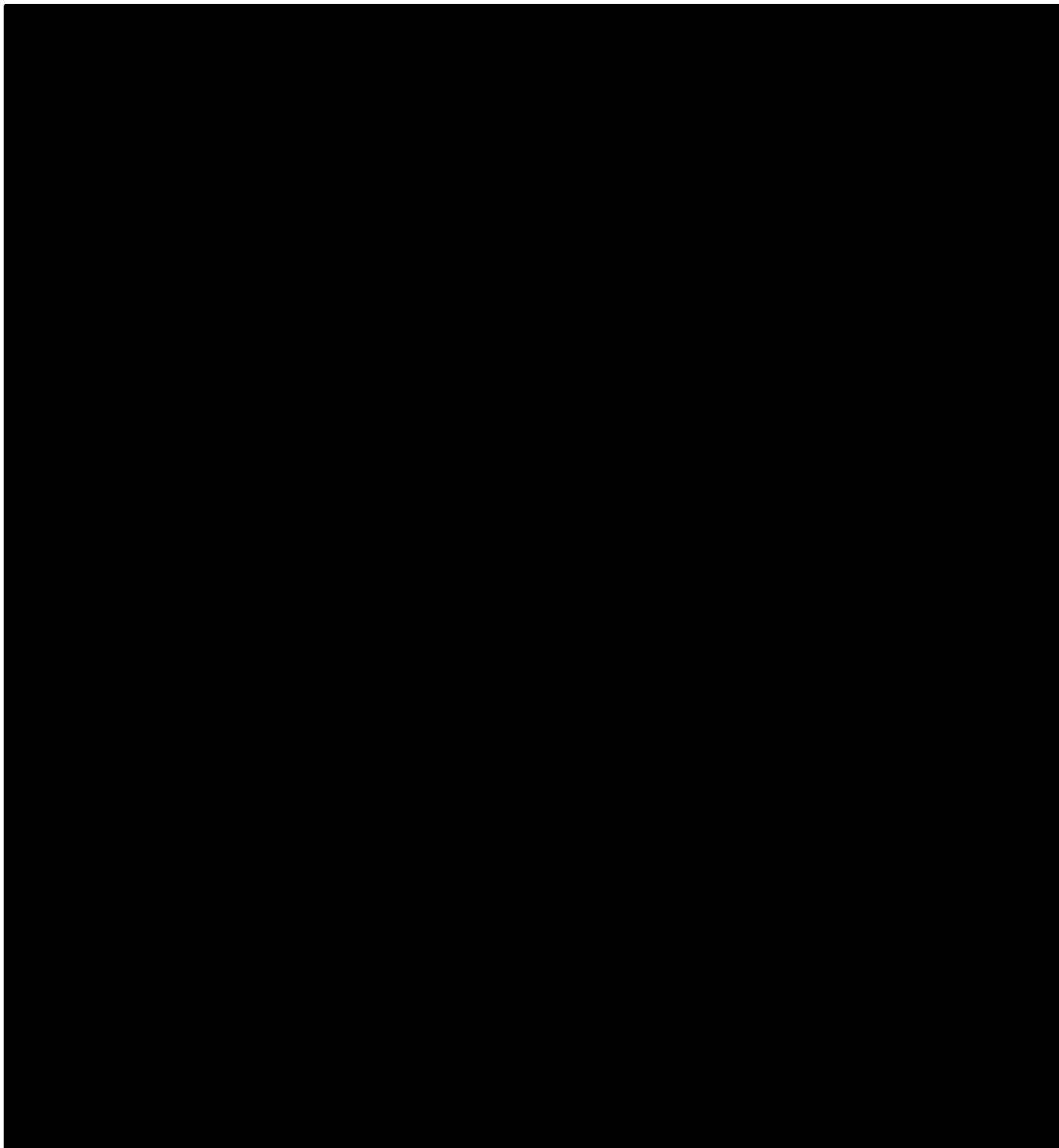
I met with HR director Madilyn Zike regarding an investigation into allegations of sale of Time Management by Richardson in excess of the county APM. I was also advised that she had been paid for Deferred Compensation instead of going into the bank at 5% hers was paid at 1% and she was paid for that.

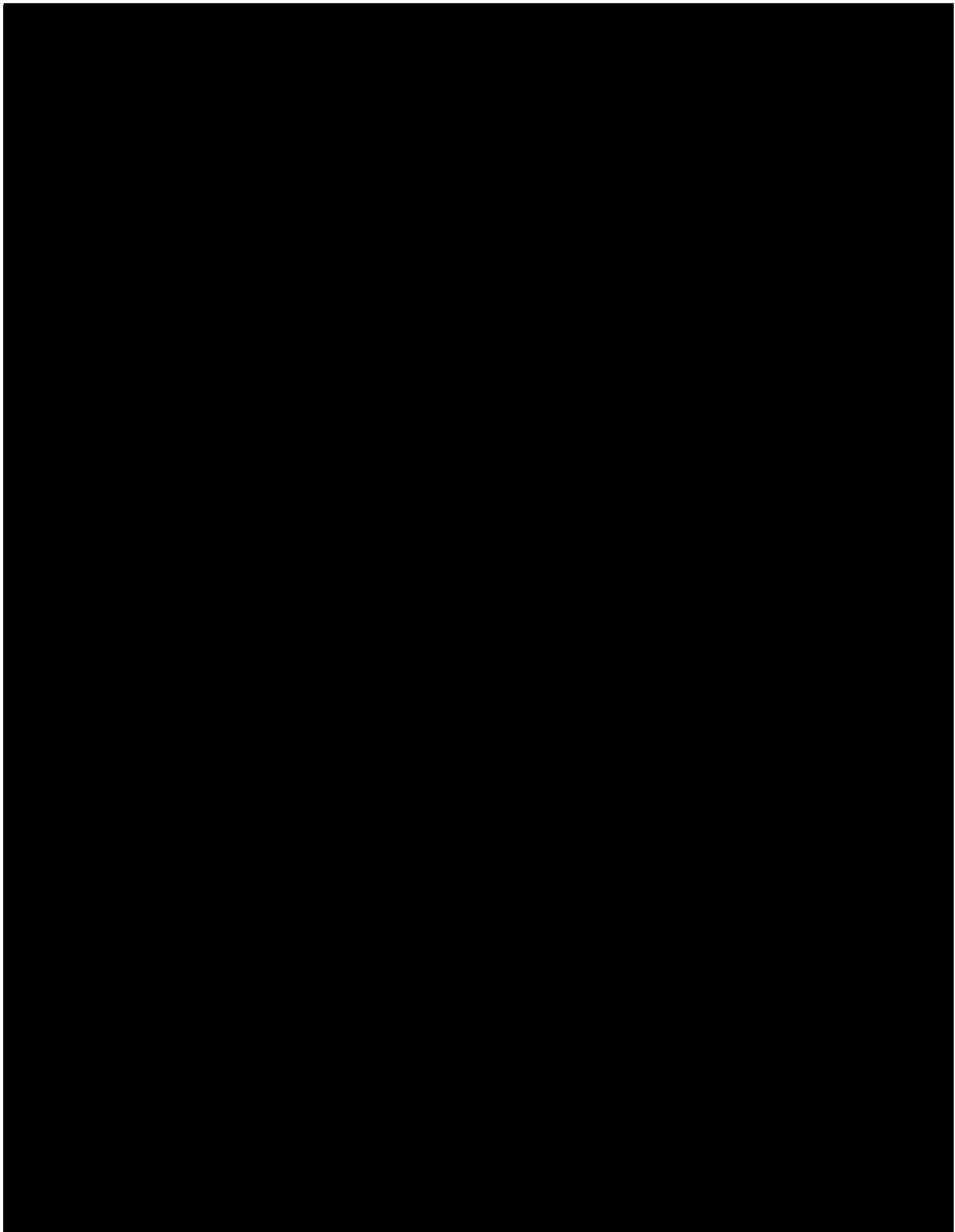
1. Allegation EMPLOYEE Richardson was paid in excess of the APM limit of eighty hours for non-represented employees. EMPLOYEE Richardson also was paid in excess of the 200 hour limit of tier one PERS employees who in the APM can cash their TM up to two hundred hours the last three years prior to retirement.
2. Allegation EMPLOYEE Richardson was untruthful in her memo to the Lane County Board of Commissioners that she just became aware of her exceeding the limit for cashing in TM.
3. Allegation that EMPLOYEE Richardson has used her position as the County Administrator to violate county APM's for her benefit.

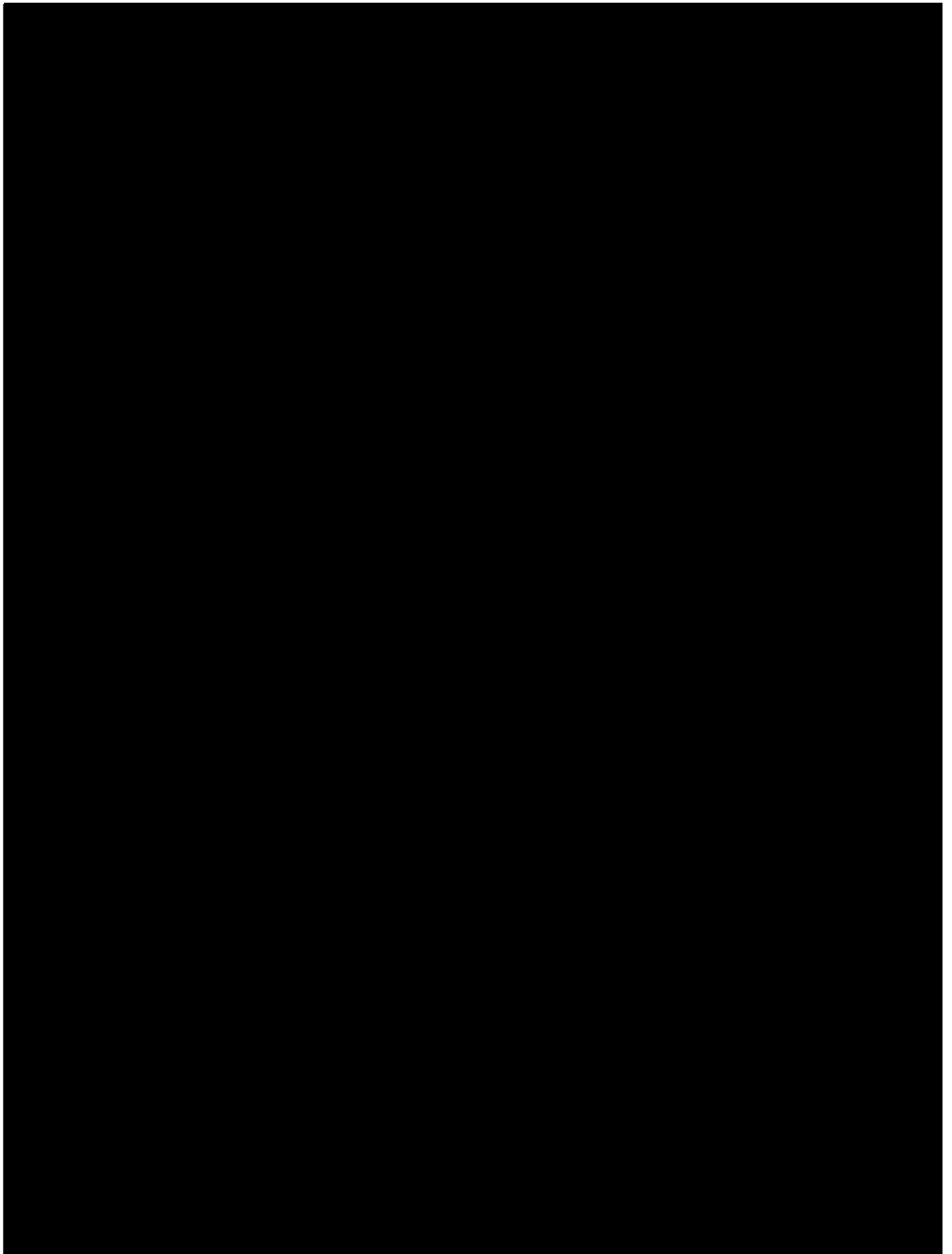
General Background

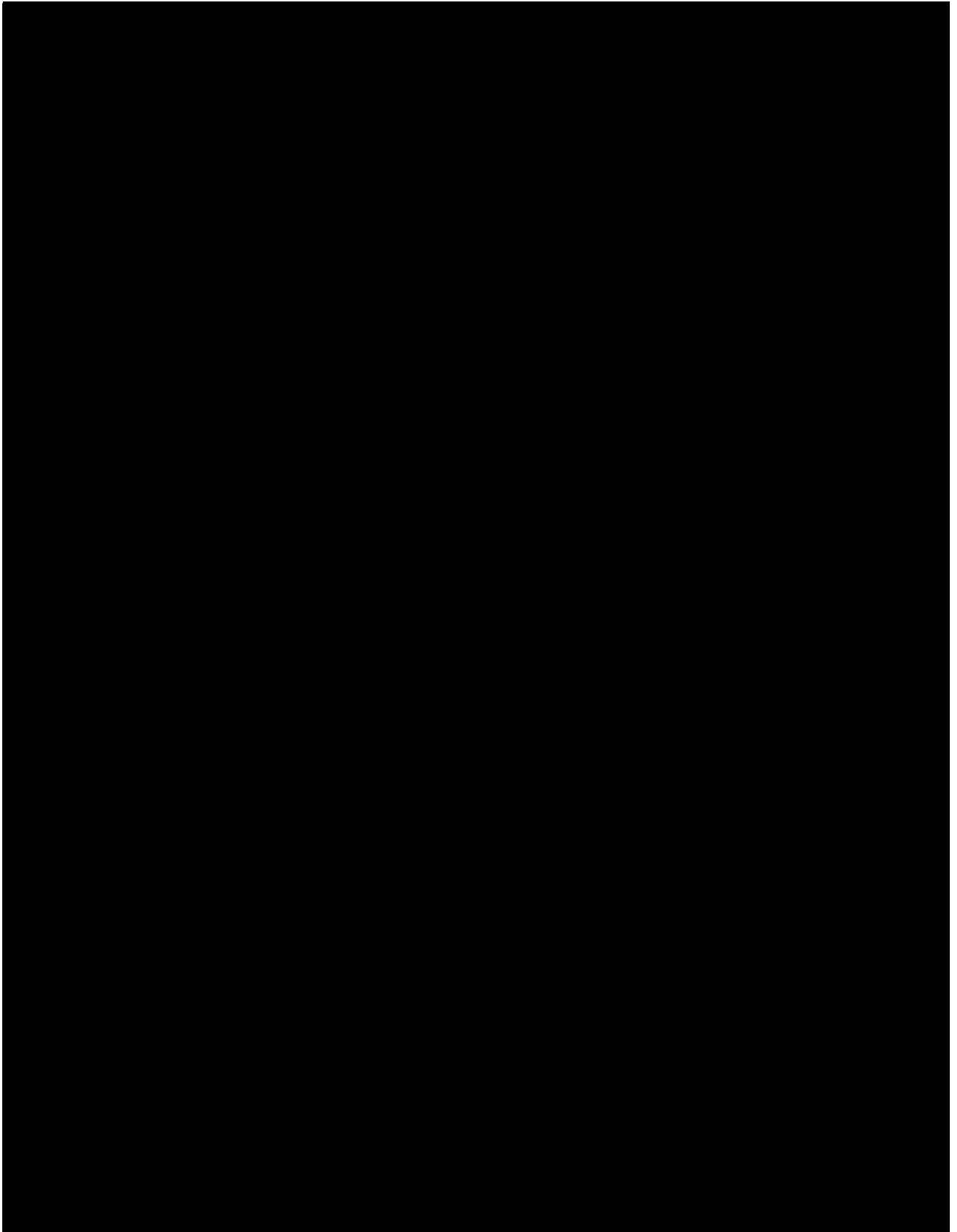
Liane Richardson is the County Administrator and has been in that position since 06-22-11. In January of 2013 a salary study was presented to the Lane County Board of Commissioners related to the position of County Administrator and County Legal Counsel. Based upon the current political climate the raises were tabled. In February of 2013 Liane Richardson began getting paid for 4% of her deferred compensation and 1% went into her Deferred Compensation account. Richardson also began cashing in her TM account in February in PP 0413 of 65.684 hours. She exceeded the maximum of eighty hours with her second cash in of TM in PP0513 of 65.684 hours. She gave instructions to her employee that does the time sheets to continue 13.184 hours per month. In April of 2013 Legal Counsel was contacted by payroll regarding the Deferred Compensation change and they advised that Richardson should revert back to the original Deferred Compensation of 5%. On April 25th, 2013 Richardson issued a policy change to the APM that deals with the selling of TM. This change in policy was not discussed in the usual course and was withdrawn April 30th, 2013 after discussions with Richardson. The change allowed exempt employees to sell more than the allowed hours in the policy of 80 hours per year or 200 per year if they

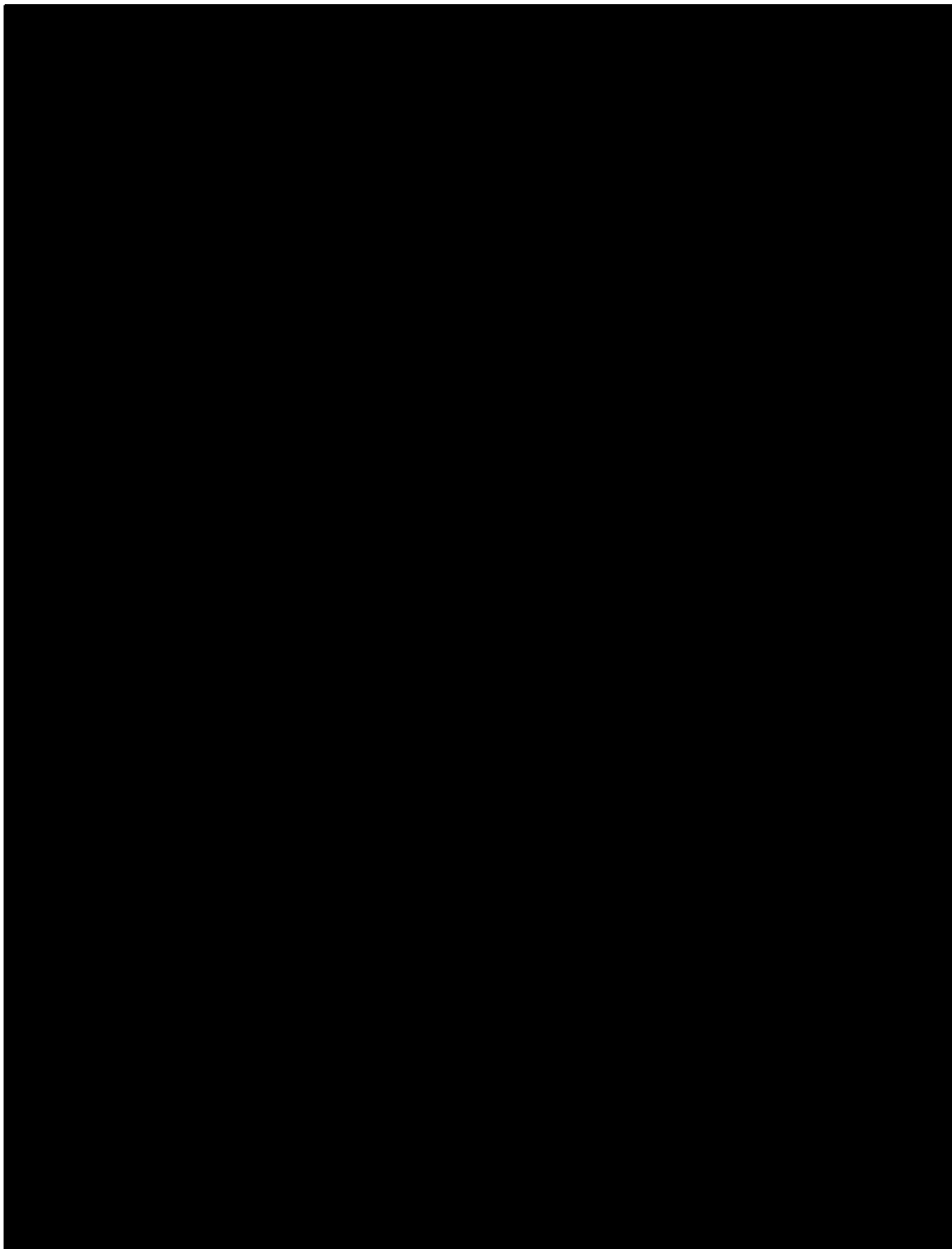
were retirement eligible. Richardson was notified by EMPLOYEE [REDACTED] on June 20th, 2013 via email that she had sold 223.90 hours of TM along with the copy of the APM section that addressed the sale. The email also asked do you want to continue the sale. Richardson's email response was "Go ahead and keep doing the sales." Thanks! EMPLOYEE Richardson sent an email to the Lane County Board of Commissioners on July 22nd, 2013 at 3:59 PM that states in part that she was not aware that she had exceeded the maximum of 200 hours.











Findings

- Richardson was sold amounts of TM in excess of the policy for non-represented employees. The July 26th, 2013 pay stub shows that she was paid for 225.17 hours of TM so far this year that amounts to \$16493.67. The amount she was entitled to was 80 hours under the APM Chapter 3.
- Richardson was untruthful in the email to the Lane County Commissioners that she just became aware she had exceeded the limit on July 22nd, 2013. She was aware of it June 20th, 2013 in an email from [REDACTED] where she was asked if she wanted to keep selling her TM since she had

increased the 200 hour limit. Her response to that email was "Go ahead keep doing the sales. Thanks!" Richardson said she was not aware of the content of the email. I don't think a reasonable person would believe it since the response was timely and in context.

- Richardson used her position to go beyond the APM limits to sell her time management to help her increase her salary and was planning to do the same in 2013-14 budget year with an increased amount. She was untruthful to this investigator about giving direction to [REDACTED] to increase the amount of TM sale in her budgeted position. The text messages from [REDACTED] confirms her statements and shows that Richardson was untruthful.

Gregory G. Olson, Undersheriff (ret)

USO Consulting and Investigations

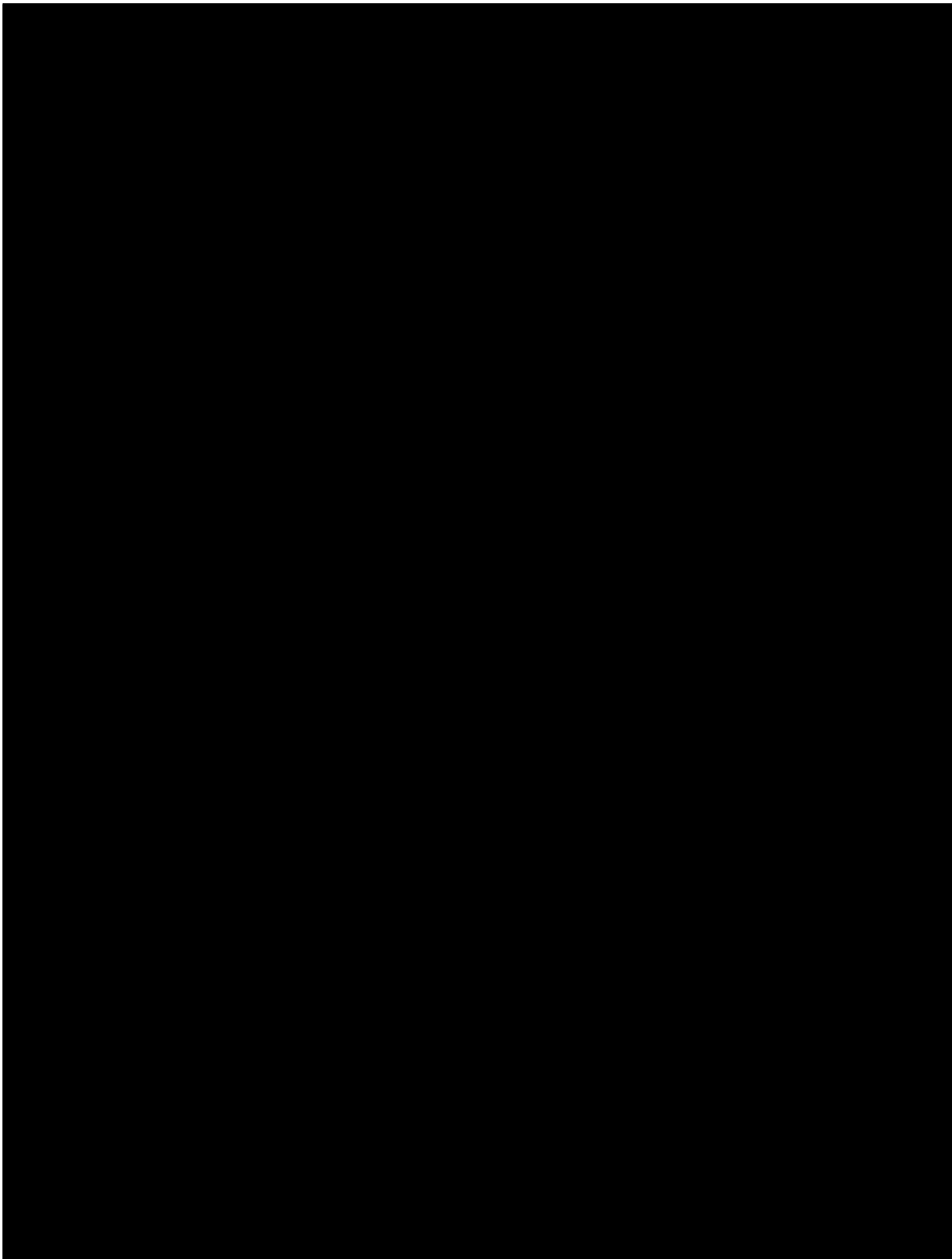
PO Box 21479

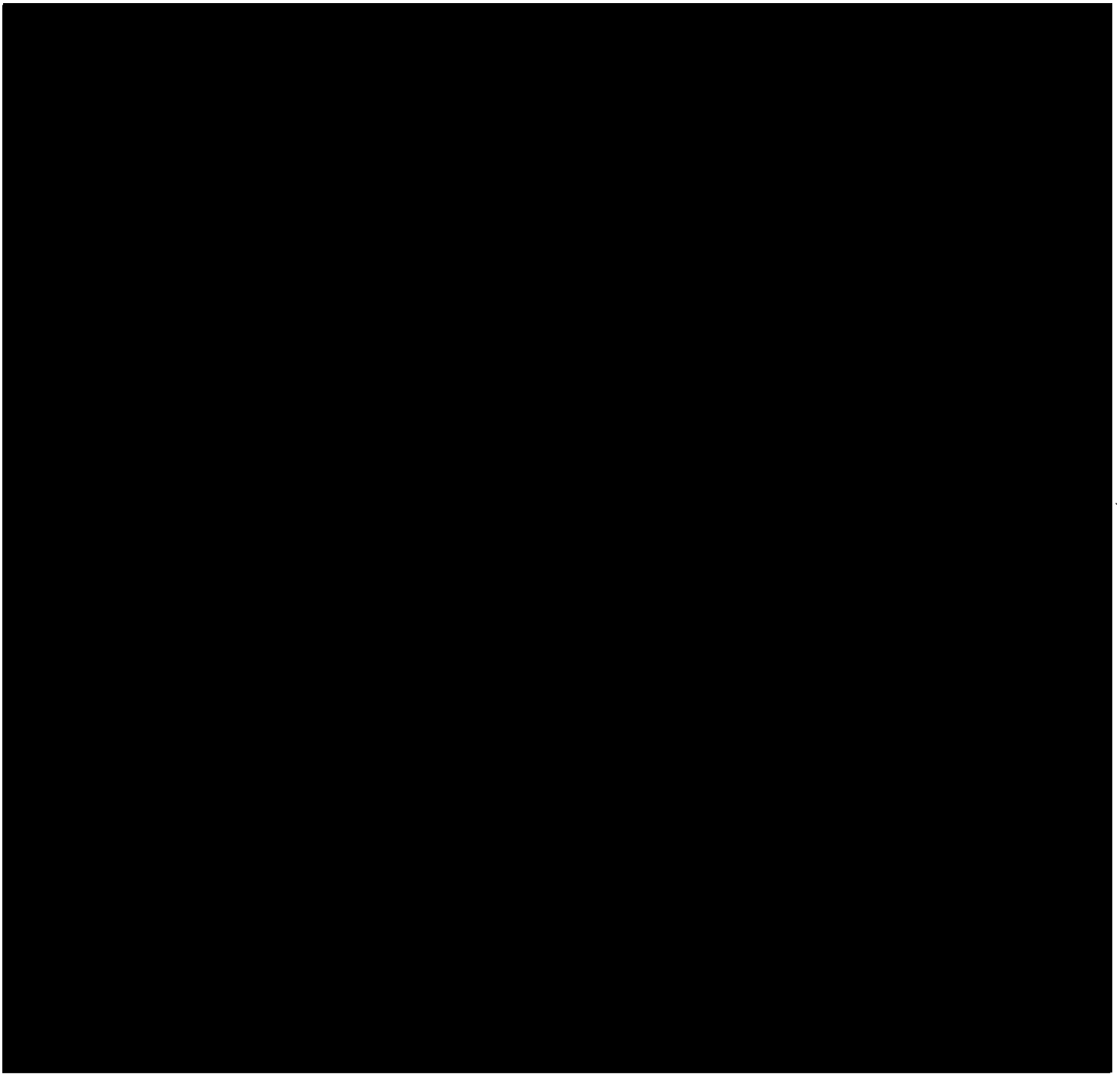
Keizer, Oregon 97307

503-949-2669

usoconsulting@comcast.net

#1





#2

[REDACTED]

From: RICHARDSON Liane I (CAO)
Sent: Monday, July 22, 2013 4:02 PM
To: *LC Board of County Commissioners
Cc: DINGLE Stephen E; ZIKE Madilyn L; LEVIS Anne Marie (SMTP)
Subject: RE: Administrator Compensation

Commissioners, after a bit more reflection, I would also like to offer that I will go out on Administrative Leave beginning now until you have had an opportunity to address and/or investigate this issue. Typically when I am out of the office I appoint an Acting County Administrator, but given the circumstances I will leave that to you. I believe in the end it will show that there was nothing unethical or improper about what I've done, but I want to do what I can to try and protect the County and the County image from any negative impacts. I have sent an email to the Ethics Commission asking for an opinion. I have also had the wage reductions arranged for out of my salary to repay the excess amount of time management that I had accrued.

From: RICHARDSON Liane I (CAO)
Sent: Monday, July 22, 2013 2:36 PM
To: *LC Board of County Commissioners
Cc: DINGLE Stephen E; ZIKE Madilyn L; LEVIS Anne Marie (SMTP)
Subject: Administrator Compensation

Commissioners:

I wanted to bring a serious issue to your attention. Back in January, when the issue of my compensation became controversial, one of the commissioners asked me if it were possible for me to receive the compensation I get in the form of cash, rather than deferred compensation and time management. I asked our Finance Department if that was a possibility. I was told that yes, it was possible, and that it would cost me a bit more and the county a bit less to receive that compensation in cash rather than in time management and/or deferred compensation. I reported back to the agenda team that I didn't need my compensation addressed any longer, and asked Finance to make the necessary changes. A couple of months later, an employee asked about the change in how I received my deferred compensation. Finance at that time felt that she brought up questions they hadn't thought of when I originally asked the question, and forwarded the question on to County Counsel. I was advised of the question, and I asked that the deferred compensation be changed back to how I originally received it until an answer was brought forth by County Counsel. County Counsel's advice was to do a contract amendment to clarify that I could choose how I received the compensation outlined in the contract. During this time frame, I was still converting 6 hours of time management a pay period to cash. I was asked if I wanted that to change, but thought we could get the contract in front of the Board before I went over the limit of how much time management can be sold, and said no, we'll leave it how it is. I then frankly forgot about it, although it's clearly on each time card so should have started to wonder how much time management I had sold at some point. I have now gone over the amount that is allowed to be sold. I have had a modification of the contract ready for awhile to bring before the BCC, but we have been talking about timing of that request for quite some time. Even though it doesn't change my total compensation, and in fact has me paying a bit more than I otherwise would, any changes to my compensation are clearly of public concern so the timing of the Board item has been discussed for quite some time. We also wanted to bring the contract back before you with a modification that had County Counsel managing the evaluation of myself, so that a direct report of mine is not responsible for that evaluation. In any event, I have gone over the amount of time management I can sell. The employee who first brought this issue to Finance's attention is concerned that she has an obligation to report this in some manner (I don't know if she means to the Ethics commission, or the paper, or to the Board of Commissioners). She also feels that she is at risk of losing her job if she makes these concerns public. We are aware of this because we received a letter from her attorney today. County Counsel and HR are looking into her concerns. It was due to this letter that I became aware that I am over the amount that can be sold. I have asked Finance what would be the process and amount required to pay back the excess TM, and have asked that the automatic sales on my timecard be removed. I am also going to contact the

Ethics Commission and will ask them if there is anything unethical in how this has unfolded. If there is, I will of course pay whatever penalty there is associated with it. I really tried to do the right thing on this from the beginning. I had thought that by asking the question back in January an analysis as to the issues had been done, and that when I got the response back that it was ok, it really was. If there had been any doubt at all, I would have immediately pursued the simple change of modifying how my compensation is received, which has the added benefit of saving the County a bit of money with the modification. I am truly sorry for this. I have worked very hard to change the perception of the County in the public eye, and depending upon how this unfolds, it may do the opposite.

Liane

[REDACTED]

From: RICHARDSON Liane I (CAO)
Sent: Monday, July 22, 2013 3:59 PM
To: 'ogec.mail@state.or.us'
Cc: DINGLE Stephen E; ZIKE Madilyn L; LEVIS Anne Marie (SMTP); BOZIEVICH Jay K; LEIKEN Sid W
Subject: Ethical question

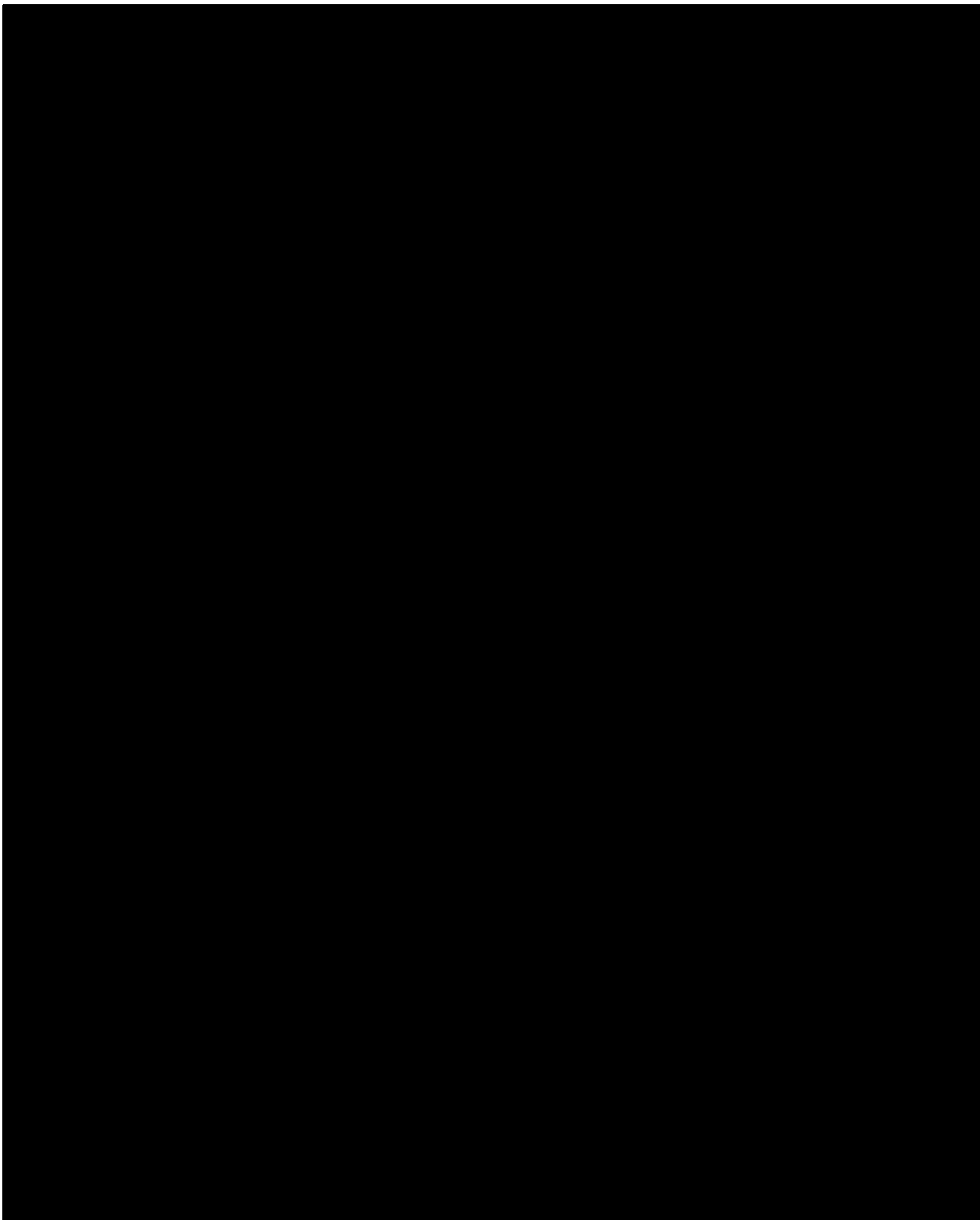
Hello. I am the County Administrator for Lane County. I have an ethical issue I wish to pose to you. I have a contract with the Board of Commissioners. One of the contract provisions covers compensation. I receive a portion of my compensation in salary, a portion in deferred compensation contributions, and a portion in time management (combination of sick and vacation time). I also receive a vehicle stipend and a phone stipend, but those are not at issue. In January of this year, my contract came up for review. Compensation was a huge political issue. One of the commissioners asked me if I could receive my deferred compensation contribution and my time management payment in cash. I contacted our Finance Manager and asked him if that would be an option. He got back to me and indicated that yes, it was an option, and that it would actually cost me a bit more and the County a bit less to receive my compensation in that manner. I therefore began to receive some of my deferred compensation contributions in cash, as well as my newly accrued time management. One piece of information that is relevant: we have a policy that allows the sale of either 80 hours or 200 hours of time management for all employees. It is an Administrative Procedure policy, which is part of the rules created and maintained by the Office of County Administration. Apparently an employee in payroll immediately questioned the change, and was told it was ok. She questioned the change a couple of months later, and this time our Finance Manager determined he should ask for advice from County Counsel. When I heard he was rethinking his advice and had asked for a legal opinion, I had the deferred compensation payments reversed back to how they were originally. I left the time management payout in place, which was for newly accrued hours only. The employee has now brought to our attention that I have gone over the maximum of 200 hours allowed. I hadn't realized I had gone over the maximum, but she is correct. I am at approximately 220 hours of time management sold at this point. I immediately put a stop to the sale of newly accrued time management, and have started the repayment of funds for the amount I received over the maximum allowed. The question for you is, was there anything unethical in this? We have an amended contract which has not yet made it to the Board of Commissioners.

Liane Richardson
Lane County Administrator

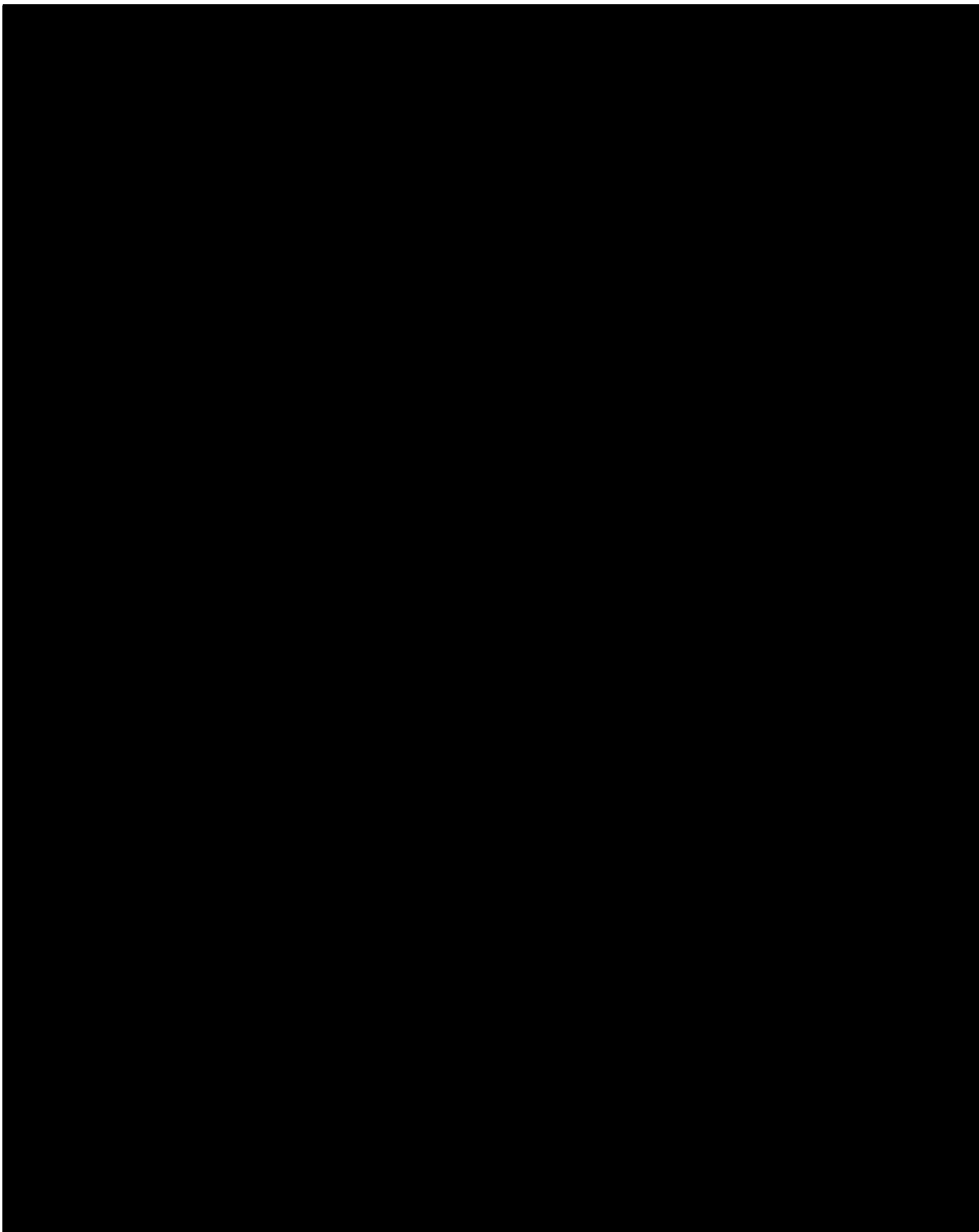


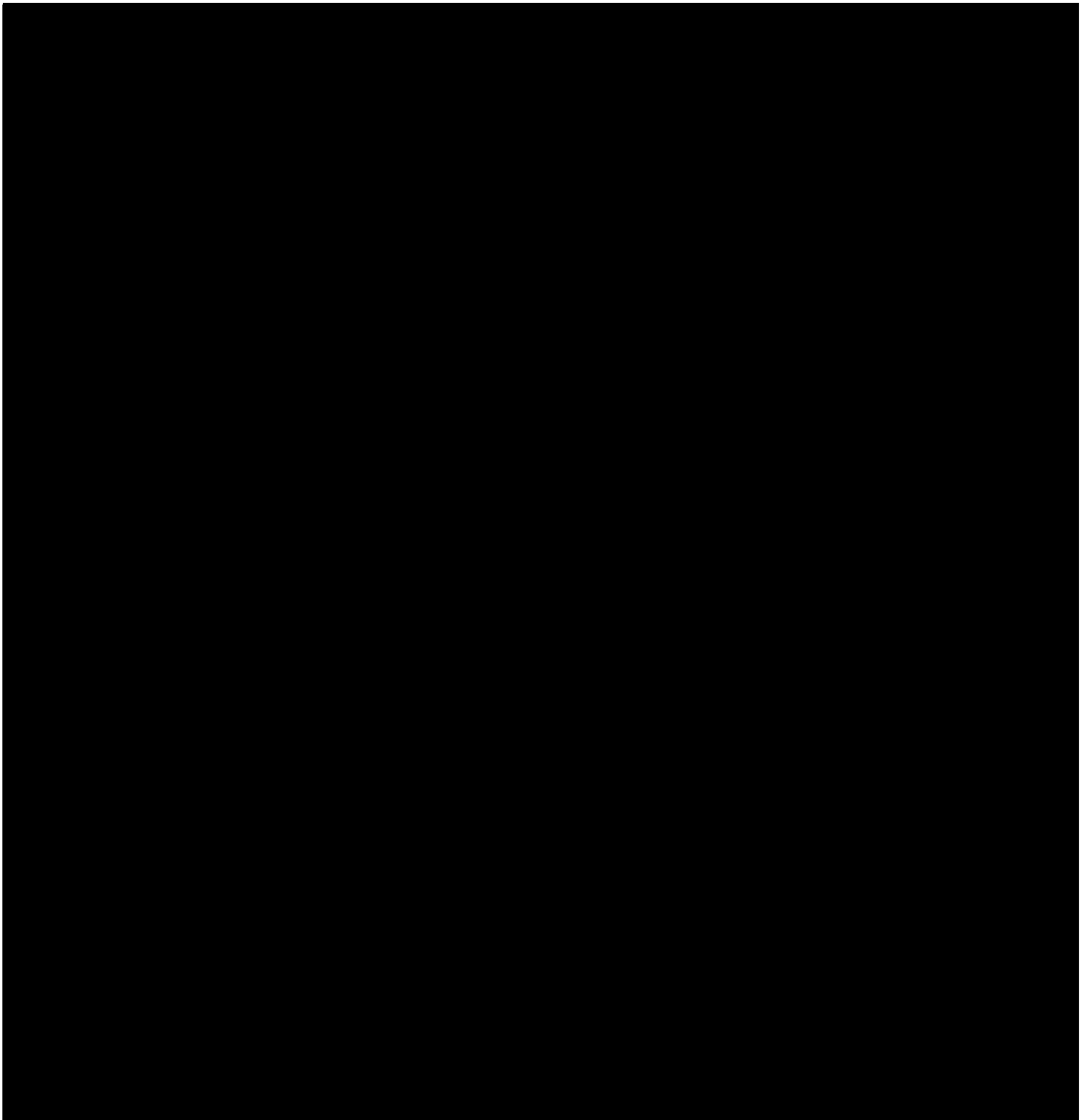
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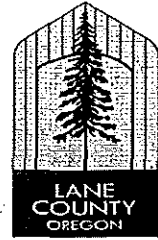


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ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 34
Issue 5 04/25/13
 Date

SUBJECT: TIME MANAGEMENT, OTHER TYPES OF LEAVE, AND HOLIDAYS

I. PURPOSE

The purpose of this procedure is to establish a standard policy and process for the authorization and use of time management, paid leave, unpaid leave and holidays, consistent with Lane Manual 2.265 and 2.270.

Related Procedures: LM 2.270, 2.265.

II. SCOPE

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit written proposals to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. AMENDMENTS

The County Administrator may amend this procedure.

IV. TIME MANAGEMENT POLICY AND PROCEDURES

A. Time Management Program

It is the purpose of the Lane County Time Management Program to provide employees with a leave-with-pay program that is easily understood, responsive to individual needs, and easy to administer.

This program covers all permanent employees, excluding seasonal and extra-help employees. Those employees covered by the provisions of this program shall not be eligible for separate leave benefits covering the following:

1. Sick leave (nonoccupational illness or injury leave)
2. Family emergency
3. Vacation leave
4. Personal day
5. Compensatory time (except as provided by the Fair Labor Standards Act)

B. Accrual Rates

Time management will accrue whenever an employee is in a paid status with the County except during disability (See Section V.B. Employee Medical Leave). Employees do not accrue earned leave when on unpaid leave.

1. **Exempt** employees will earn leave, based on full-time service, in accordance with the following schedule:

Months of <u>Service</u>	<u>Earned Leave</u>	<u>Earned Leave</u> <u>Accruals</u>
0-12 months (0-1 year)	23 days/year	7.077 hours/pay period
13-24 months (1-2 years)	27 days/year	8.308 hours/pay period
25-48 months (2-4 years)	31 days/year	9.538 hours/pay period
49-108 months (4-9 years)	35 days/year	10.769 hours/pay period
109-168 months (9-14 years)	39 days/year	12.000 hours/pay period
169-228 months (14-19 years)	43 days/year	13.231 hours/pay period
229 months & over (over 19 years)	47 days/year	14.462 hours/pay period

2. **Nonexempt** employees will earn leave, based on full-time service, in accordance with the following schedule:

Months of <u>Service</u>	<u>Earned Leave</u>	<u>Earned Leave</u> <u>Accruals</u>
0-12 months (0-1 year)	20 days/year	6.154 hours/pay period
13-24 months (1-2 years)	23 days/year	7.077 hours/pay period
25-48 months (2-4 years)	26 days/year	8.000 hours/pay period
49-108 months (4-9 years)	29 days/year	8.923 hours/pay period
109-168 months (9-14 years)	32 days/year	9.846 hours/pay period
169-228 months (14-19 years)	35 days/year	10.769 hours/pay period
229-288 months (19-24 years)	38 days/year	11.692 hours/pay period
289 months and over (over 24 years)	41 days/year	12.615 hours/pay period

3. **Eligible part-time employees** (excluding seasonal and extra help) shall accrue and use time off under this program on a pro rata basis using the percentage of full time the employee was paid in the previous two pay periods as a base.
 - a. Eligible part-time employees with varying bi-weekly hours shall earn time management based on the actual hours worked.

- b. For purposes of identifying a bi-weekly work week when using accrued time, hours will be on a pro rata basis using the percentage of full time the employee was paid in the previous two pay periods as a base.
 - c. Eligible part-time employees working a set bi-weekly schedule will earn and use on a pro rata basis, based on their regularly scheduled hours. This includes employees who have hours reduced or increased annually due to budget.
- 4. **Maximum Accrual.** An employee may accumulate earned leave, excluding the previous vacation balance, if any, to a maximum of twice the annual time management accumulation. On March 31 of each year, any employee credited with accrued leave greater than twice the annual accumulation shall forfeit that amount above the maximum accumulation. An employee who has acquired the maximum allowable accumulation of earned leave may continue to accumulate earned leave for the balance of the year in which the maximum accrual was reached, provided that the employee takes sufficient earned leave to reduce the accumulation to the maximum allowable prior to the following March 31 or forfeit the excess.
- C. **Termination.** After an employee has worked six (6) months for Lane County, upon termination the employee will be paid all of his or her vacation balance, if any, and one-half of any time management balance, at the employee's current rate of pay.
- D. **Death.** After an employee has worked six (6) months for Lane County, in the event of his or her death all accumulated earned leave shall be paid to the employee's designated beneficiary at the employee's current rate of pay.
- E. **Required Usage.** During the first five (5) years of employment, employees shall be required to take a minimum of two (2) weeks of accumulated earned leave per year. Thereafter, employees shall be required to take a minimum of three (3) weeks of accumulated earned leave per year.
- F. **Scheduling.** Employees shall, whenever possible, request time off in advance. Use of leave must be scheduled between the employee and the County. The County will establish methods for reporting absences, which may include reporting protected medical leave absences to a third party administrator in addition to County staff. Department Directors may establish additional absence reporting requirements. With the exception of previously scheduled leave, bona fide sickness or emergency situations, supervisors are generally not to grant Time Management leave to employees who have given notice of their termination from County employment. This does not apply to employees who are being laid off by the County. If TM is granted, discretion and sound judgment should be used in

determining the number of hours allowed. Department Director will be responsible for ensuring that any TM taken subsequent to notice of termination is not for the purpose of using up TM balances to avoid the 1 for 2 payout at termination.

G. Sell Back. After six (6) months of continuous employment, employees may sell back accrued earned leave to the County subject to the following restrictions:

- a. Funding must be available to pay for the request.
- b. The maximum number of earned leave hours that can be sold for cash compensation in a calendar year by a nonexempt employee is the lesser number of leave hours taken in the same calendar year or eighty (80) hours.
- c. The earned leave hours must be scheduled or used prior to the sale of any accrued earned leave hours. To qualify for sell back in the subsequent year the required usage of accumulated earned leave must have occurred in the prior year as scheduled.
- d. During the last three (3) years prior to retirement, nonexempt employees may sell up to 200 hours per year of their annual leave accrual at the current rate of pay. Extensions of an employee's scheduled retirement date notwithstanding, no employee will be entitled to this benefit in more than three (3) years. Note: This paragraph is not subject to any of the limitations expressed in b., and c., above.
- e. Exempt employees may sell more than the number of hours outlined in paragraphs (b) and (d) above if funding is available to pay for the request, and the request is approved by the Department Director or the County Administrator. Additionally, exempt employees must leave at least 80 hours of earned leave hours in their TM bank.

H. Existing Vacation Balance. Employees with an existing vacation balance initially transferred during conversion to the Time Management Program shall have the option of charging leave to either the vacation balance or the time management balance.

V. EMPLOYEE MEDICAL, PARENTAL, PREGNANCY AND FAMILY LEAVES

A. General Information

The following employee medical, parental, pregnancy and family leaves are covered by a number of federal and state statutes and County policy. The employee who meets qualification requirements under the federal Family Medical Leave Act (FMLA) may be eligible for leave up to a maximum accumulative total of 12 weeks in a 12 month period for the following conditions(s): pregnancy, parental leave, family medical, employee medical, and/or work-related injury or illness. When FMLA is exhausted, a review is conducted of the employee's eligibility for leave under state statutes. An employee's personal illness falls under County medical leave policies, which run concurrent with FMLA.

The following general provisions apply to all the leaves covered by this section unless specifically stated otherwise.

Eligibility

An employee must have worked either a) 180 consecutive days in a permanent position or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Notification of Need for Leave

It is the responsibility of the employee to notify County's designated absence management provider when a paid or unpaid leave is being used for any of the following conditions:

- Employee Illness or Injury
- Employee Pregnancy
- To care for a seriously ill family member
- Parental leave to bond with a new born child, adopted child or foster child, under the age of 6.

Medical certification is required for any of the above leaves. It is the responsibility of the employee to submit Family and Medical leave certification from an attending physician. Failure to submit a completed medical certification could result in denied leave and/or disciplinary action for unauthorized leave of absence.

It is the responsibility of the employee to notify and provide medical certification when additional leave is needed beyond the previously authorized FMLA leave period.

Medical certification is submitted to County's designated absence management provider.

Notification Time Lines

FORESEEABLE LEAVE: Employee must give 30 days notice in writing of intent to take leave. Employees who request leave for planned medical treatment are obligated to make a reasonable effort, subject to the health care provider's approval, to schedule treatment so as not to unduly disrupt the County's operations.

UNFORESEEABLE LEAVE: When circumstances require a leave to begin in less than 30 days, such as with a sudden change in a patient's condition, the employee must give as much notice as practicable, normally within two (2) business days.

Verification

Verification will be communicated to employee by County's designated absence management provider. If there is a dispute between the employee and County's designated absence management provider as to whether leave qualifies as FMLA leave, it will be resolved through discussions between the parties which may include the employee, Human Resources and County's designated absence management provider.

How Paid

FMLA Leave is unpaid. Employees may use accrued leave or unpaid leave or a combination of the two. If a combination is used, paid leave must be used first. If paid leave is used and employee then chooses to go to unpaid status, they may not return to a paid status for the duration of the leave. Only that time for which "salary was paid" can be applied toward PERS service credit.

Substantiation of Medical Condition for County-paid Medical Leave Employee
Medical leave for any reason, including pregnancy, shall not exceed that period for which the employee is in fact physically unable to return to work as substantiated by the employee's physician. Failure to provide satisfactory substantiation will result in denial of compensation and may result in disciplinary action. Minimum acceptable substantiation includes:

- The first date of treatment by the attending physician.
- A description of the current medical condition.
- Date expected to return to modified duty.
- Name, address and phone number of the attending physician.
- Date of the next appointment with attending physician.

Tracking of FMLA Leave

Tracking will begin with the first day of absence. FMLA usage will be tracked on an individual rolling 12 month period. Absences of more than 3 days, including days regularly scheduled off work, for medical reasons, and including the employee's visit to a physician, will be tracked from the first day of absence.

Tracking will take place on the employee's time card. FMLA tracked hours can include time management or other accrued leave, County-paid medical leave, leave for a Workers' Compensation claim, modified work hours, or unpaid leave.

Fit for Duty

Employee must provide a Fit for Duty release from their attending physician prior to returning to work from any employee illness or injury. If a release has not been provided, return to work can be delayed until a Fit for Duty release has been provided.

Health Insurance Continuation

Health insurance is defined as medical, dental and vision coverage. An employee with twelve months of service (whether or not consecutive) and with at least 1250 hours during that time, and who has health insurance benefits, shall have those benefits continued by the County at no cost to the qualifying employee, during the unpaid portion of their FMLA leave. If the employee does not return to work following the family medical leave period, the employee will be responsible for

repayment of the health insurance premiums paid during the period of unpaid leave in accordance with FMLA.

Health Insurance Eligibility

Once an employee has exhausted all leave benefits that provide health insurance continuation, to maintain health insurance eligibility the employee must be in a paid status on the first working day of the month and working a minimum of 20 hours per week. The medical insurance handbook addresses continuation of group coverage for a leave of absence, exhaustion of eligibility, a workers' compensation claim, and termination of employment.

COBRA Group Health Insurance Continuation

Information concerning continuation of group health insurance is outlined in the employee medical insurance handbook. Enrollment forms are available by contacting Personnel.

Life Insurance Continuation

The employee, on an approved unpaid leave, is eligible to self-pay employee, dependent, and supplemental life insurance coverage up to a maximum of three months. Contact Central Payroll for information about monthly premium cost and payment procedures prior to start of unpaid leave.

B. Employee Medical Leave

Purpose

This policy covers a Lane County employee's leave of absence for non-occupational medical leave. This policy is in accordance with the Federal Family Medical Leave Act (FMLA), and Lane Manual 2.270.

Eligibility

An employee must have worked either a) 180 consecutive days in a permanent position or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Employee Medical leave is for a maximum of 90 calendar days per occurrence. FMLA leave is a maximum of 12 work weeks per individual rolling 12 month period. Employee Medical and FMLA leaves run concurrently.

How Paid/Limitations

Employee Medical leave begins with the employee's first day of absence as substantiated by their attending physician.

If an absence for nonoccupational illness or injury exceeds eighty (80) consecutive work hours, the County will provide compensated time off as outlined below for that period preceding commencement of the long-term disability benefit. The first

eighty consecutive work hours shall be charged against accrued earned leave or shall be leave without pay if the employee does not have sufficient earned leave to cover the absence.

If a nonoccupational illness or injury exceeds eighty consecutive work hours or if an employee has insufficient earned leave, the employee shall be expected to substantiate the illness or injury to the satisfaction of the County.

County-paid short term employee medical leave will be paid as follows:

First two weeks (80 consecutive work hours) will be charged to accrued time management.

Second two weeks continue at 100% pay;

Third two weeks continue at 90% pay;

Fourth two weeks continue at 80% pay;

Fifth two weeks continue at 70% pay;

Remaining time will be paid at 66-2/3% to the conclusion of 90 days.

Employees will not accrue time management while on County-paid disability leave, however, employees may opt to use time management or accrued vacation during this 90-day period to supplement loss of regular pay.

Exhaustion of Medical Leave

At the end of the ninety (90) calendar day County medical leave, FMLA leave exhaustion and exhaustion of other eligible benefits, the County may terminate the employment of an employee who has not been fully released to return to their regular position. However, the employee may request one of the following options:

MODIFIED DUTY: Such requests are to be submitted in writing and accompanied by medical documentation from the attending physician. The documentation MUST clearly state the employee's medical condition, necessary modifications to the duties of the employee's position of record, or modification of work hours, and the projected full recovery date.

UNPAID LEAVE: Such requests are to be submitted in writing and require approval by the Department Director. The maximum period of unpaid leave a Department Director is authorized to approve is ninety (90) calendar days.

BOTH THE DEPARTMENT'S FINANCIAL ABILITY AND STAFFING NEEDS WILL BE REVIEWED AND CONSIDERED PRIOR TO

APPROVAL OF EITHER MODIFIED DUTY OR AN UNPAID LEAVE OF ABSENCE.

Return to Work

If the employee returns to work within the ninety (90) day period after employee medical leave, it shall be without loss of seniority, time management accruals (except as outlined above), or any other employee benefit or right accrued at the beginning of the employee medical leave, except that benefits earned and accrued at the time of the beginning of the leave may be reduced by the amount of such benefits used during the leave. **NOTE:** Only that time in which "salary was paid" can be applied toward PERS service credit.

Accommodation under Americans with Disabilities Act (ADA)

Any employee with a permanent medical condition who can perform the essential duties of their position may request reasonable accommodation under ADA. The employee must also provide a list of the duties they can perform and physician's substantiation of their limitations and restrictions. A review by Personnel staff will determine eligibility for ADA accommodation.

Subrogation

Any employee who sustains an illness or injury and continues to receive regular wages from the County or receives medical benefits shall be obligated to return to the County any payment received from a third party for compensation and benefits paid by the County. In addition, the County has a right to initiate or join any proceedings against a third party to seek reimbursement of wages and medical benefits paid.

C. Family Medical Leave

Purpose

This policy covers employee leave in connection with the care of a family member who has a serious health condition. Family member is defined as: mother, father, parent-in-law, husband, wife, child, and step-child. This policy is in accordance with the Family Medical Leave Act (FMLA), Oregon Family Leave (ORS 659.560-659.570).

For purposes of confirmation of family relationship, County's designated absence management provider may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. Such documentation may take the form of a simple statement from the employee, or a court document, a child's birth certificate, etc. After examination, all official documents are returned to the employee.

Serious health condition is defined as: a) an illness, injury, or condition of a child of an employee requiring home care, or b) an injury, disease, or condition of a family member that according to the medical judgment of the treating physician: 1)

poses an imminent danger of death; 2) is terminal in prognosis, with a reasonable possibility of death in the near future; or 3) is any mental or physical condition that requires constant care.

Constant care includes care wherever performed whether at home or any nursing home, institution, hospice, or health care facility. Where however, the family member is receiving long-term physical care at a nursing home, institution, hospice, or other health care facility, leave shall apply only to those periods of transition from one home or facility to another, including time to make arrangements for such transitions; or when the family member requires transportation or other assistance in obtaining care from a physician.

Eligibility

An employee who has worked either: a) 180 consecutive days in a permanent position, or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Eligible employees are entitled to a total of 12 weeks of leave during any 12-month period. The employee is entitled to take leave in increments of a day or more, or in one continuous block of time, as a family member's condition requires. However, employees may take leave for the remainder of a shift or working day if, after reporting to work, they are informed of a family member's serious health condition. Notice shall be given for each increment of leave requested. This will be accomplished by submitting a completed Request for Family and Medical Leave to County's designated absence management provider.

Limitations

The total leave in any 12 month period for married employees both working for Lane County is limited to 12 weeks if the leave is taken to care for a sick child, parent or parent-in-law.

Return to Work

Return to work after family medical leave shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the family medical leave, except that benefits earned and accrued at the time of the beginning of the family medical leave may be reduced by the amount of such benefits used during the family medical leave. Only that time in which "salary was paid" can be applied toward PERS service credit.

D. Parental Leave

Purpose

This policy covers employee leave in connection with birth or placement of a child with the employee for adoption or foster care. This policy is in accordance with

the Family Medical Leave Act (FMLA) and Oregon Administrative Rules (ORS 659.360 - 659.370) covering parental leave.

Eligibility

An employee who has worked either: a) 90 consecutive days in a permanent position, or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Eligible employees are entitled to a total of 12 consecutive work weeks of leave during a rolling 12-month period, less time taken for other FMLA leave. If FMLA leave is exhausted, the employee may qualify under State Parental Leave regulations. In case of premature birth, leave may be taken until the baby reaches a developmental stage equal to 12 weeks. If both parents are Lane County employees, their combined total parental leave in any 12-month period may not exceed 12 weeks.

Return to Work

Return to work after parental leave shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the parental leave, except that benefits earned and accrued at the time of the beginning of the parental leave may be reduced by the amount of such benefits used during the parental leave. Only that time in which "salary was paid" can be applied toward PERS service credit.

E. Pregnancy Leave

Purpose

This policy covers a Lane County employee's leave of absence for pregnancy. This policy is in accordance with the Federal Family Medical Leave Act (FMLA), Oregon Pregnancy Leave, ORS 659.385 - 659.393, and Lane Manual 2.270.

Eligibility

No minimum employment period is required for employee pregnancy leave.

Length of Leave

The period during which the employee is disabled due to pregnancy, child birth, or related medical conditions and is unable to perform any available job duties offered by Lane County.

Pregnancy leave begins with the employee's first day of absence as substantiated by their attending physician. Following the eighty consecutive hours employee elimination period, paid benefits continue in full up to ninety (90) days from the employee's first day of absence, or until eligibility for long-term disability coverage, whichever occurs first. If the employee's disability extends beyond the ninety (90) day period, and the employee is not released by the physician to return

to work, employment will continue in an unpaid status for the period of time the employee is physically unable to return to work as substantiated by the attending physician. If the employee applies for and is accepted, pay will continue under long-term disability. Under ORS 659.385, the employee has reinstatement rights and must request such within 3 working days of the date of the full release by the treating physician. The County has ten (10) working days to respond to the request.

Return to Work

If the employee returns to work within the ninety (90) day period, it shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the pregnancy leave, except that benefits earned and accrued at the time of the beginning of the leave may be reduced by the amount of such benefits used during the leave. **NOTE:** Only that time in which "salary was paid" can be applied toward PERS service credit.

VI. OTHER TYPES OF LEAVE

A. Unpaid Leave (Voluntary)

Purpose

Unpaid leave is generally available only for absences for which time management or other types of paid or unpaid leaves are not available or appropriate.

1. Eligibility

Only permanent, nonprobationary employees are eligible for unpaid leave.

2. Authorization of Leave

No leave of absence without pay shall be granted unless a request is submitted by the employee and approved in writing by the appointing authority or by the County Administrator for appointed department directors.

Department directors are authorized to approve short-term unpaid leave of less than ninety (90) days. Unpaid leave of ninety (90) days or more must be approved by the Department Director and County Administrator. Approval of leave shall be obtained prior to the beginning of the leave periods. Leave will not normally be granted unless the County can be assured that the employee's work can be completed in their absence.

3. Application for Leave of Absence Without Pay

Request for such leave must be in writing and must establish reasonable justification for approval of the request. Such leave will not be approved for an employee who is accepting employment outside the County service unless

such leave and employment is part of an approved employee development program that will eventually benefit the County. Positions left vacant as a result of short-term unpaid leave should not be filled by temporary help or a working out-of-class appointment.

4. Continuous Service

Continuous service shall be employment unbroken by separation other than military or Peace Corps leave. Time spent on any other authorized unpaid leave of absence in excess of ninety (90) days shall not count as time of continuous service, however employees returning from such leave shall be entitled to credit for service prior to the leave.

5. PERS Service Contract

Only that time in which "salary was paid" can be applied toward PERS service credit.

6. Health Insurance Continuation During Unpaid Leave

To be eligible for County paid medical, dental and vision insurance, the employee must a) be in a paid status on the first working day of the month, and b) be working a minimum of 20 hours per week; or c) be eligible for insurance continuation under a qualified FMLA leave.

If an employee is on an unpaid leave and does not otherwise qualify for County paid medical, dental and vision, they may be eligible to self pay monthly premiums under the federal COBRA program. Contact Personnel Services for a COBRA application. COBRA benefits are explained in the health insurance handbook.

While on an approved unpaid leave, the employee may also self pay their life insurance up to a maximum of 3 months. Life insurance includes: employee life, dependent life, and/or supplement life.

B. Bereavement

An employee shall be reimbursed for lost work as a result of a death in the employee's immediate family at the regular straight time hourly rate to a maximum of three (3) days' pay or, to a maximum of five (5) days if out of state travel is required. The immediate family is defined as mother, father, husband, wife, sister, brother, child, grand-parent, grand-child, step-mother, step-father, step-child, father-in-law or mother-in-law. The use of bereavement leave will not be charged against the employee's accrued time management.

C. Jury Duty

An employee called for service on a jury will receive regular pay provided that payment made to the employee for jury service is remitted to the employee's

department director. The department director shall remit the jury's payment to the Accounts Receivable section of Finance and authorize the employee's regular pay.

If an employee's normal shift is other than 8 a.m. to 5 p.m., Monday through Friday, the department may approve a temporary schedule adjustment to accommodate jury service.

D. Military and Peace Corps

Purpose

Lane County cooperates with the military services by granting leave to eligible employees to participate in voluntary and ordered military training and active duty. Also time shall be granted for eligible employees participating in the Peace Corps Program.

Eligibility

All Lane County employees working in permanent or permanent part-time positions, including elected officials, who have been employed for six months shall be entitled to military leave.

Length of Leave

Regular Military Service: An employee shall be entitled to military leave without pay for service with the U.S. Armed Forces. Leave shall be approved to a maximum of four years unless extension is required in accordance with ORS 408.240 and Federal law. The employee shall provide a copy of military orders.

National Guard and Military Reserve Service: In addition to annual paid training leave, a member of the National Guard or reserve component of the U.S. Armed Forces shall be entitled to leave for training or schooling, whether voluntary or required, and for periods of emergency service. This includes National Guard duty in cases of disaster, such as floods, earthquakes, or to aid the enforcement of law. The employee shall provide a copy of military orders.

Peace Corps: Leaves of absence for at least two years shall be granted to an employee who has successfully completed the initial probationary period with Lane County. The employee shall provide a copy of the Peace Corps appointment document.

How Paid

Paid Leave: Paid military leave shall be granted for the lesser of a period of fifteen (15) consecutive calendar days or eleven (11) consecutive work days per calendar year, without loss of time, regular leave, or other rights and

benefits. Such leave will be granted and compensated based on the employee's regularly scheduled work period. There is no County paid time for Peace Corps service.

Unpaid Leave: In addition to the paid time, a member of the National Guard or reserve component of the U.S. Armed Forces shall be entitled to unpaid leave for training or schooling, whether voluntary or required, and for required periods of emergency service if such service extends beyond County paid Military leave of eleven (11) work days. The employee shall provide a copy of the military orders.

Use of Accrued Leave: Employees may use accrued time management, vacation, compensatory time, or other appropriate leave during periods of military leave beyond the County paid Military leave of eleven (11) work days.

Holidays that fall within the County paid Military Leave: Holidays that fall within the County paid military leave period will not extend the 15 consecutive day limitation, and will count as a paid day toward the 11 work day maximum.

Employees leaving County service for extended military leave (up to 4 years) shall be paid for all accrued time in accordance with current policies for terminating employees.

How Requested

Employees who receive inquiries regarding their availability for military leave, shall consult with their supervisor so that requests may be made to stagger absences to minimize disruption to work operations. The military services have the final authority in determining when an employee must report for military duty.

Employees who are ordered to report for military training or duty will be released from duty for any period of military leave to which they are entitled. If a full-time or part-time permanent employee who is a reservist or National Guardsman is not entitled to, does not request, or has exhausted military leave, the employee shall be granted accrued leave or leave without pay, as requested.

All requests for leave must be provided to the immediate supervisor in writing, including the beginning and projected ending date of the military leave. Copies of orders are to be provided as soon as they become available.

Return to Work or Reinstatement

Regular Military Service and Peace Corps Service: Within 90 days after completion of certified satisfactory military or Peace Corps service, the employee shall notify Lane County of intent to return from military leave.

Upon such notification Lane County shall return the employee to the position held just prior to military or Peace Corps service without loss of seniority or benefits. Pay shall be at the same step held before military or Peace Corps service but at the prevailing salary rate. Any employee who fails to report for work within ninety (90) days after military discharge or release from the Peace Corps shall be considered to have resigned.

National Guard or Military Reserve Service: For periods of Guard or Reserve service less than three months duration, the employee shall return to work immediately upon release from training or reserve service.

If it is established that an employee is not physically qualified to perform the duties of the employee's former position by reason of disability sustained during such service, the employee shall be reinstated in other work that the employee is able to perform at the nearest appropriate level of pay to the employee's former classification. Such employees shall make application for reinstatement within 90 calendar days after discharge from military service, and shall report for duty within six months following separation from active duty. Failure to comply will terminate the military leave.

E. Court and Legislative Appearances

1. An employee who appears before a court, legislative committee, judicial body, or quasi-judicial body as a witness in response to a subpoena shall receive regular pay provided that the compensation received as a witness is remitted to the department director. The department director shall remit the compensation to the Accounts Receivable section of Finance and authorize the employee's regular pay.
2. All time spent by nonexempt employees attending court in connection with their officially assigned duties, including the time required to go to the court and return to their work, is considered work time.
3. Travel time for nonexempt employees subpoenaed to attend court away from the home community shall be in accordance with Part 785 of the Fair Labor Standards Act.
4. Voluntary court appearances will not be compensated by the County. Staff may request use of accrued compensatory time or paid leave for such appearances.

F. Voting

Employees registered to vote but who are unable to vote in general elections due to work scheduling may be granted sufficient time off with pay to vote. Where such

circumstances can be foreseen in advance, such employees are expected to utilize the absentee ballot procedure as prescribed by Oregon Revised Statute 253.030.

G. Emergency Conflagration Act

The State of Oregon has an Emergency Conflagration Act which by Order of the Governor allows volunteer firefighters to be called to fight fires in emergency cases. Firefighters called out under this Act will be paid by the State.

An employee called for service under this act would be entitled to up to 30 days leave without loss of pay and may opt to:

1. Use accumulated leave, i.e., Time Management, existing vacation or comp time balances and retain state pay; or
2. If state pay is less than the employee's regular net pay, the County will subsidize the difference to a maximum of their current net pay.
3. If state pay is equal to or greater than employee's regular net pay, the employee will not be required to return the difference to the County.

The County will continue employee paid benefits as under other paid leave provisions. Any time required beyond 30 days would be considered an unpaid leave of absence.

H. Adverse Weather

When an employee is unable to report to work or reports late to work because of adverse weather conditions, the employee may elect to charge that time against accrued leave or to take a leave without pay.

If, due to adverse weather conditions, the County closes any or all of its essential operations after employees have reported for work, employees will be paid for regular work hours scheduled that day and will not be required to use accrued leave or to take leave without pay.

VII. HOLIDAYS

A. Holidays

The following days shall be recognized and observed as paid holidays subject to the provisions of the following administrative procedure:

New Year's Day
(January 1)

Labor Day
(1st Monday in September)

Martin Luther King's Birthday (3rd Monday in January)	Veterans' Day (November 11)
Presidents' Day (3rd Monday in February)	Thanksgiving Day (4th Thursday in November)
Memorial Day (Last Monday in May)	Christmas Day (December 25)
Independence Day (July 4)	

In December of each year Personnel Services will develop a list of all paid holidays for the upcoming year. This list will be distributed to County staff and posted on all County bulletin boards.

The Friday following Thanksgiving, though not to be construed as a holiday for pay purposes, shall be considered a day off with pay except for those employees required by the County to report for work. An employee required to work shall be given an alternate day off at the mutual convenience of the County and the employee. This alternate day off must be taken before the end of the fiscal year.

B. Weekend Holidays

Whenever a holiday falls on a Saturday, the preceding Friday shall be designated as the holiday. Whenever a holiday falls on a Sunday, the succeeding Monday shall be designated as the holiday.

C. Eligibility

1. Employees working in permanent positions budgeted or approved for more than six (6) months shall receive holiday pay for legal holidays.
2. Eligible part-time or job-sharing employees shall be compensated for holidays as follows:
 - a. During the week of a holiday, **COUNTY** may permit part-time employees an opportunity for modification of their work schedule so as to work additional hours in order to receive a normal pay check, including prorated holiday pay, without having to use time management leave or other earned leave.
 - b. In developing an opportunity for a modified work schedule for the week of a holiday, **COUNTY** shall give good faith consideration to part-time employees interests regarding an alternate work schedule provided that **COUNTY's** operational needs can be met. When work requirements are such that a team or work group approach is necessary for productivity and/or effective accomplishment of work, **COUNTY**

may develop a single modified work schedule which seems to best accommodate the interests of the majority of the employees on the team or work group and meet the operational needs of the COUNTY. The team or work group shall have the option of determining whether to operate using the normal or modified work schedule.

- c. If the COUNTY does not permit part-time employees an opportunity for a modified work schedule for the week of a holiday pursuant to paragraph 1 or 2, above, employees shall receive full holiday pay for the actual hours they would have worked on the holiday.
 - d. If part-time employees are offered an opportunity by COUNTY for a modified work schedule for the week of a holiday pursuant to paragraph 1 or 2, above, and elect not to change from the normal work schedule, employees must use accrued time management leave or other earned leave to supplement the prorated holiday pay in order to receive a normal pay check or receive a short pay check based on prorated pay for the holiday.
3. Temporary, seasonal or extra help employees shall not receive compensated holidays.

D. Qualification

- 1. To qualify for paid holiday leave, eligible employees (as defined in section C) must:
 - a. Report for work on the last scheduled workday prior to, and the first scheduled work day following, the holiday; or
 - b. Be on approved paid leave or furlough on the last workday prior to the holiday, the first workday following the holiday, or both.
- 2. Employees who meet the qualifications stated in section C above but who retire before a holiday occurs, but within the pay period, will receive holiday pay for the holiday following the date of retirement but need not report to work on the day following the holiday. This is in recognition of years of service.

E. Holiday During Paid or Vacation Leave

If an employee is on authorized paid leave or vacation when a holiday occurs, such holiday shall not be charged against such leave or vacation. A holiday does not extend the 90 calendar day County-paid employee medical leave.

F. Holiday Pay

1. Eligible employees shall receive one (1) day's pay for each designated holiday that falls on a day the employee otherwise would work.
2. An eligible, full-time employee, voluntarily working an alternative work schedule, will be required to use accrued Time Management or compensatory time to supplement the eight (8) hours of holiday time off. However, with the approval of the department head or her/his designee, the employee may revert to a five (5)-day, eight (8)-hour work schedule on any week which includes a holiday.
3. An eligible, full-time employee, required by the County to work an alternative work schedule, shall be paid for the holiday in accordance with the number of hours they normally would have been scheduled to work.
4. Whenever a holiday falls on an employee's scheduled day off, the last normal workday before the holiday or the first normal workday following the holiday (whichever is closer) shall be designated as the holiday. Whenever the holiday falls equally between workdays, the last workday before the holiday shall be designated as the holiday. However, as an option, upon mutual agreement between the department head or her/his designee and the employee an alternate day off may be granted.
5. Eligible employees shall receive one and one-half (1-1/2) times the regular straight-time rate in addition to their regular holiday pay for all work performed on a designated holiday. If the employee and the department head (or her/his designee) agree, an equivalent credit of compensatory time off may be given in lieu of the paid overtime. Such time shall be coded to compensatory time on the time card.
6. The pay provisions of this subsection F shall not apply to classifications designated as exempt. Exempt employees who are required to work on a designated holiday shall receive equal time off at a time convenient to the employee and the County. On the time card, such time shall be coded to the area designated for compensatory time.

G. Personal Time in Lieu of Holidays

1. Exempt employees in the Department of Public Safety within classifications in compensation groups 10, 11, 12 and non-exempt employees in compensation group 09/05, shall receive personal time off in lieu of holidays.
2. Personal time shall accrue at a rate of 3.692 hours per pay period.

3. Personal time off may be taken at times agreed upon by the employee and the County and shall be compensated at the straight-time rate.
4. When terminated, employees who have accumulated personal time up to specified limits shall be paid for such personal time at the straight-time rate.

VIII. INTERPRETATION AND IMPLEMENTATION

Any questions relative to the intent or application of this procedure should be directed to the Director of Management Services, who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: _____

County Administrator

4/25/13

Effective Date

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 34
Issue 4 10/4/2012
 Date

SUBJECT: TIME MANAGEMENT, OTHER TYPES OF LEAVE, AND HOLIDAYS

I. PURPOSE

The purpose of this procedure is to establish a standard policy and process for the authorization and use of time management, paid leave, unpaid leave and holidays, consistent with Lane Manual 2.265 and 2.270.

Related Procedures: LM 2.270, 2.265.

II. SCOPE

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit written proposals to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. AMENDMENTS

The County Administrator may amend this procedure.

IV. TIME MANAGEMENT POLICY AND PROCEDURES

A. Time Management Program

It is the purpose of the Lane County Time Management Program to provide employees with a leave-with-pay program that is easily understood, responsive to individual needs, and easy to administer.

This program covers all permanent employees, excluding seasonal and extra-help employees. Those employees covered by the provisions of this program shall not be eligible for separate leave benefits covering the following:

1. Sick leave (nonoccupational illness or injury leave)
2. Family emergency
3. Vacation leave
4. Personal day
5. Compensatory time (except as provided by the Fair Labor Standards Act)

B. Accrual Rates

Time management will accrue whenever an employee is in a paid status with the County except during disability (See Section V.B. Employee Medical Leave). Employees do not accrue earned leave when on unpaid leave.

1. **Exempt** employees will earn leave, based on full-time service, in accordance with the following schedule:

Months of Service	<u>Earned Leave</u>	<u>Earned Leave Accruals</u>
0-12 months (0-1 year)	23 days/year	7.077 hours/pay period
13-24 months (1-2 years)	27 days/year	8.308 hours/pay period
25-48 months (2-4 years)	31 days/year	9.538 hours/pay period
49-108 months (4-9 years)	35 days/year	10.769 hours/pay period
109-168 months (9-14 years)	39 days/year	12.000 hours/pay period
169-228 months (14-19 years)	43 days/year	13.231 hours/pay period
229 months & over (over 19 years)	47 days/year	14.462 hours/pay period

2. **Nonexempt** employees will earn leave, based on full-time service, in accordance with the following schedule:

Months of Service	<u>Earned Leave</u>	<u>Earned Leave Accruals</u>
0-12 months (0-1 year)	20 days/year	6.154 hours/pay period
13-24 months (1-2 years)	23 days/year	7.077 hours/pay period
25-48 months (2-4 years)	26 days/year	8.000 hours/pay period
49-108 months (4-9 years)	29 days/year	8.923 hours/pay period
109-168 months (9-14 years)	32 days/year	9.846 hours/pay period
169-228 months (14-19 years)	35 days/year	10.769 hours/pay period
229-288 months (19-24 years)	38 days/year	11.692 hours/pay period
289 months and over (over 24 years)	41 days/year	12.615 hours/pay period

3. **Eligible part-time employees** (excluding seasonal and extra help) shall accrue and use time off under this program on a pro rata basis using the percentage of full time the employee was paid in the previous two pay periods as a base.
 - a. Eligible part-time employees with varying bi-weekly hours shall earn time management based on the actual hours worked.

- b. For purposes of identifying a bi-weekly work week when using accrued time, hours will be on a pro rata basis using the percentage of full time the employee was paid in the previous two pay periods as a base.
 - c. Eligible part-time employees working a set bi-weekly schedule will earn and use on a pro rata basis, based on their regularly scheduled hours. This includes employees who have hours reduced or increased annually due to budget.
- 4. **Maximum Accrual.** An employee may accumulate earned leave, excluding the previous vacation balance, if any, to a maximum of twice the annual time management accumulation. On March 31 of each year, any employee credited with accrued leave greater than twice the annual accumulation shall forfeit that amount above the maximum accumulation. An employee who has acquired the maximum allowable accumulation of earned leave may continue to accumulate earned leave for the balance of the year in which the maximum accrual was reached, provided that the employee takes sufficient earned leave to reduce the accumulation to the maximum allowable prior to the following March 31 or forfeit the excess.
- C. **Termination.** After an employee has worked six (6) months for Lane County, upon termination the employee will be paid all of his or her vacation balance, if any, and one-half of any time management balance, at the employee's current rate of pay.
- D. **Death.** After an employee has worked six (6) months for Lane County, in the event of his or her death all accumulated earned leave shall be paid to the employee's designated beneficiary at the employee's current rate of pay.
- E. **Required Usage.** During the first five (5) years of employment, employees shall be required to take a minimum of two (2) weeks of accumulated earned leave per year. Thereafter, employees shall be required to take a minimum of three (3) weeks of accumulated earned leave per year.
- F. **Scheduling.** Employees shall, whenever possible, request time off in advance. Use of leave must be scheduled between the employee and the County. The County will establish methods for reporting absences, which may include reporting protected medical leave absences to a third party administrator in addition to County staff. Department Directors may establish additional absence reporting requirements. With the exception of previously scheduled leave, bona fide sickness or emergency situations, supervisors are generally not to grant Time Management leave to employees who have given notice of their termination from County employment. This does not apply to employees who are being laid off by the County. If TM is granted, discretion and sound judgment should be used in

determining the number of hours allowed. Department Director will be responsible for ensuring that any TM taken subsequent to notice of termination is not for the purpose of using up TM balances to avoid the 1 for 2 payout at termination.

G. Sell Back. After six (6) months of continuous employment, employees may sell back accrued earned leave to the County subject to the following restrictions:

- a. Funding must be available to pay for the request.
- b. The maximum number of earned leave hours that can be sold for cash compensation in a calendar year is the lesser number of leave hours taken in the same calendar year or eighty (80) hours.
- c. The earned leave hours must be scheduled or used prior to the sale of any accrued earned leave hours. To qualify for sell back in the subsequent year the required usage of accumulated earned leave must have occurred in the prior year as scheduled.
- d. During the last three (3) years prior to retirement, employees may sell up to 200 hours per year of their annual leave accrual at the current rate of pay. Extensions of an employee's scheduled retirement date notwithstanding, no employee will be entitled to this benefit in more than three (3) years. Note: This paragraph is not subject to any of the limitations expressed in b., and c., above.

H. Existing Vacation Balance. Employees with an existing vacation balance initially transferred during conversion to the Time Management Program shall have the option of charging leave to either the vacation balance or the time management balance.

V. EMPLOYEE MEDICAL, PARENTAL, PREGNANCY AND FAMILY LEAVES

A. General Information

The following employee medical, parental, pregnancy and family leaves are covered by a number of federal and state statutes and County policy. The employee who meets qualification requirements under the federal Family Medical Leave Act (FMLA) may be eligible for leave up to a maximum accumulative total of 12 weeks in a 12 month period for the following conditions(s): pregnancy, parental leave, family medical, employee medical, and/or work-related injury or illness. When FMLA is exhausted, a review is conducted of the employee's eligibility for leave under state statutes. An employee's personal illness falls under County medical leave policies, which run concurrent with FMLA.

The following general provisions apply to all the leaves covered by this section unless specifically stated otherwise.

Eligibility

An employee must have worked either a) 180 consecutive days in a permanent position or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Notification of Need for Leave

It is the responsibility of the employee to notify County's designated absence management provider when a paid or unpaid leave is being used for any of the following conditions:

- Employee Illness or Injury
- Employee Pregnancy
- To care for a seriously ill family member
- Parental leave to bond with a new born child, adopted child or foster child, under the age of 6.

Medical certification is required for any of the above leaves. It is the responsibility of the employee to submit Family and Medical leave certification from an attending physician. Failure to submit a completed medical certification could result in denied leave and/or disciplinary action for unauthorized leave of absence.

It is the responsibility of the employee to notify and provide medical certification when additional leave is needed beyond the previously authorized FMLA leave period.

Medical certification is submitted to County's designated absence management provider.

Notification Time Lines

FORESEEABLE LEAVE: Employee must give 30 days notice in writing of intent to take leave. Employees who request leave for planned medical treatment are obligated to make a reasonable effort, subject to the health care provider's approval, to schedule treatment so as not to unduly disrupt the County's operations.

UNFORESEEABLE LEAVE: When circumstances require a leave to begin in less than 30 days, such as with a sudden change in a patient's condition, the employee must give as much notice as practicable, normally within two (2) business days.

Verification

Verification will be communicated to employee by County's designated absence management provider. If there is a dispute between the employee and County's designated absence management provider as to whether leave qualifies as FMLA leave, it will be resolved through discussions between the parties which may include the employee, Human Resources and County's designated absence management provider.

How Paid

FMLA Leave is unpaid. Employees may use accrued leave or unpaid leave or a combination of the two. If a combination is used, paid leave must be used first. If paid leave is used and employee then chooses to go to unpaid status, they may not return to a paid status for the duration of the leave. Only that time for which "salary was paid" can be applied toward PERS service credit.

Substantiation of Medical Condition for County-paid Medical Leave Employee Medical leave for any reason, including pregnancy, shall not exceed that period for which the employee is in fact physically unable to return to work as substantiated by the employee's physician. Failure to provide satisfactory substantiation will result in denial of compensation and may result in disciplinary action. Minimum acceptable substantiation includes:

- The first date of treatment by the attending physician.
- A description of the current medical condition.
- Date expected to return to modified duty.
- Name, address and phone number of the attending physician.
- Date of the next appointment with attending physician.

Tracking of FMLA Leave

Tracking will begin with the first day of absence. FMLA usage will be tracked on an individual rolling 12 month period. Absences of more than 3 days, including days regularly scheduled off work, for medical reasons, and including the employee's visit to a physician, will be tracked from the first day of absence.

Tracking will take place on the employee's time card. FMLA tracked hours can include time management or other accrued leave, County-paid medical leave, leave for a Workers' Compensation claim, modified work hours, or unpaid leave.

Fit for Duty

Employee must provide a Fit for Duty release from their attending physician prior to returning to work from any employee illness or injury. If a release has not been provided, return to work can be delayed until a Fit for Duty release has been provided.

Health Insurance Continuation

Health insurance is defined as medical, dental and vision coverage. An employee with twelve months of service (whether or not consecutive) and with at least 1250 hours during that time, and who has health insurance benefits, shall have those benefits continued by the County at no cost to the qualifying employee, during the unpaid portion of their FMLA leave. If the employee does not return to work following the family medical leave period, the employee will be responsible for

repayment of the health insurance premiums paid during the period of unpaid leave in accordance with FMLA.

Health Insurance Eligibility

Once an employee has exhausted all leave benefits that provide health insurance continuation, to maintain health insurance eligibility the employee must be in a paid status on the first working day of the month and working a minimum of 20 hours per week. The medical insurance handbook addresses continuation of group coverage for a leave of absence, exhaustion of eligibility, a workers' compensation claim, and termination of employment.

COBRA Group Health Insurance Continuation

Information concerning continuation of group health insurance is outlined in the employee medical insurance handbook. Enrollment forms are available by contacting Personnel.

Life Insurance Continuation

The employee, on an approved unpaid leave, is eligible to self-pay employee, dependent, and supplemental life insurance coverage up to a maximum of three months. Contact Central Payroll for information about monthly premium cost and payment procedures prior to start of unpaid leave.

B. Employee Medical Leave

Purpose

This policy covers a Lane County employee's leave of absence for non-occupational medical leave. This policy is in accordance with the Federal Family Medical Leave Act (FMLA), and Lane Manual 2.270.

Eligibility

An employee must have worked either a) 180 consecutive days in a permanent position or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Employee Medical leave is for a maximum of 90 calendar days per occurrence. FMLA leave is a maximum of 12 work weeks per individual rolling 12 month period. Employee Medical and FMLA leaves run concurrently.

How Paid/Limitations

Employee Medical leave begins with the employee's first day of absence as substantiated by their attending physician.

If an absence for nonoccupational illness or injury exceeds eighty (80) consecutive work hours, the County will provide compensated time off as outlined below for that period preceding commencement of the long-term disability benefit. The first

eighty consecutive work hours shall be charged against accrued earned leave or shall be leave without pay if the employee does not have sufficient earned leave to cover the absence.

If a nonoccupational illness or injury exceeds eighty consecutive work hours or if an employee has insufficient earned leave, the employee shall be expected to substantiate the illness or injury to the satisfaction of the County.

County-paid short term employee medical leave will be paid as follows:

First two weeks (80 consecutive work hours) will be charged to accrued time management.

Second two weeks continue at 100% pay;

Third two weeks continue at 90% pay;

Fourth two weeks continue at 80% pay;

Fifth two weeks continue at 70% pay;

Remaining time will be paid at 66-2/3% to the conclusion of 90 days.

Employees will not accrue time management while on County-paid disability leave, however, employees may opt to use time management or accrued vacation during this 90-day period to supplement loss of regular pay.

Exhaustion of Medical Leave

At the end of the ninety (90) calendar day County medical leave, FMLA leave exhaustion and exhaustion of other eligible benefits, the County may terminate the employment of an employee who has not been fully released to return to their regular position. However, the employee may request one of the following options:

MODIFIED DUTY: Such requests are to be submitted in writing and accompanied by medical documentation from the attending physician. The documentation **MUST** clearly state the employee's medical condition, necessary modifications to the duties of the employee's position of record, or modification of work hours, and the projected full recovery date.

UNPAID LEAVE: Such requests are to be submitted in writing and require approval by the Department Director. The maximum period of unpaid leave a Department Director is authorized to approve is ninety (90) calendar days.

BOTH THE DEPARTMENT'S FINANCIAL ABILITY AND STAFFING NEEDS WILL BE REVIEWED AND CONSIDERED PRIOR TO

APPROVAL OF EITHER MODIFIED DUTY OR AN UNPAID LEAVE OF ABSENCE.

Return to Work

If the employee returns to work within the ninety (90) day period after employee medical leave, it shall be without loss of seniority, time management accruals (except as outlined above), or any other employee benefit or right accrued at the beginning of the employee medical leave, except that benefits earned and accrued at the time of the beginning of the leave may be reduced by the amount of such benefits used during the leave. **NOTE:** Only that time in which "salary was paid" can be applied toward PERS service credit.

Accommodation under Americans with Disabilities Act (ADA)

Any employee with a permanent medical condition who can perform the essential duties of their position may request reasonable accommodation under ADA. The employee must also provide a list of the duties they can perform and physician's substantiation of their limitations and restrictions. A review by Personnel staff will determine eligibility for ADA accommodation.

Subrogation

Any employee who sustains an illness or injury and continues to receive regular wages from the County or receives medical benefits shall be obligated to return to the County any payment received from a third party for compensation and benefits paid by the County. In addition, the County has a right to initiate or join any proceedings against a third party to seek reimbursement of wages and medical benefits paid.

C. Family Medical Leave

Purpose

This policy covers employee leave in connection with the care of a family member who has a serious health condition. Family member is defined as: mother, father, parent-in-law, husband, wife, child, and step-child. This policy is in accordance with the Family Medical Leave Act (FMLA), Oregon Family Leave (ORS 659.560-659.570).

For purposes of confirmation of family relationship, County's designated absence management provider may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. Such documentation may take the form of a simple statement from the employee, or a court document, a child's birth certificate, etc. After examination, all official documents are returned to the employee.

Serious health condition is defined as: a) an illness, injury, or condition of a child of an employee requiring home care, or b) an injury, disease, or condition of a family member that according to the medical judgment of the treating physician: 1)

poses an imminent danger of death; 2) is terminal in prognosis, with a reasonable possibility of death in the near future; or 3) is any mental or physical condition that requires constant care.

Constant care includes care wherever performed whether at home or any nursing home, institution, hospice, or health care facility. Where however, the family member is receiving long-term physical care at a nursing home, institution, hospice, or other health care facility, leave shall apply only to those periods of transition from one home or facility to another, including time to make arrangements for such transitions, or when the family member requires transportation or other assistance in obtaining care from a physician.

Eligibility

An employee who has worked either: a) 180 consecutive days in a permanent position, or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Eligible employees are entitled to a total of 12 weeks of leave during any 12-month period. The employee is entitled to take leave in increments of a day or more, or in one continuous block of time, as a family member's condition requires. However, employees may take leave for the remainder of a shift or working day if, after reporting to work, they are informed of a family member's serious health condition. Notice shall be given for each increment of leave requested. This will be accomplished by submitting a completed Request for Family and Medical Leave to County's designated absence management provider.

Limitations

The total leave in any 12 month period for married employees both working for Lane County is limited to 12 weeks if the leave is taken to care for a sick child, parent or parent-in-law.

Return to Work

Return to work after family medical leave shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the family medical leave, except that benefits earned and accrued at the time of the beginning of the family medical leave may be reduced by the amount of such benefits used during the family medical leave. Only that time in which "salary was paid" can be applied toward PERS service credit.

D. Parental Leave

Purpose

This policy covers employee leave in connection with birth or placement of a child with the employee for adoption or foster care. This policy is in accordance with

the Family Medical Leave Act (FMLA) and Oregon Administrative Rules (ORS 659.360 - 659.370) covering parental leave.

Eligibility

An employee who has worked either: a) 90 consecutive days in a permanent position, or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Eligible employees are entitled to a total of 12 consecutive work weeks of leave during a rolling 12-month period, less time taken for other FMLA leave. If FMLA leave is exhausted, the employee may qualify under State Parental Leave regulations. In case of premature birth, leave may be taken until the baby reaches a developmental stage equal to 12 weeks. If both parents are Lane County employees, their combined total parental leave in any 12-month period may not exceed 12 weeks.

Return to Work

Return to work after parental leave shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the parental leave, except that benefits earned and accrued at the time of the beginning of the parental leave may be reduced by the amount of such benefits used during the parental leave. Only that time in which "salary was paid" can be applied toward PERS service credit.

E. Pregnancy Leave

Purpose

This policy covers a Lane County employee's leave of absence for pregnancy. This policy is in accordance with the Federal Family Medical Leave Act (FMLA), Oregon Pregnancy Leave, ORS 659.385 - 659.393, and Lane Manual 2.270.

Eligibility

No minimum employment period is required for employee pregnancy leave.

Length of Leave

The period during which the employee is disabled due to pregnancy, child birth, or related medical conditions and is unable to perform any available job duties offered by Lane County.

Pregnancy leave begins with the employee's first day of absence as substantiated by their attending physician. Following the eighty consecutive hours employee elimination period, paid benefits continue in full up to ninety (90) days from the employee's first day of absence, or until eligibility for long-term disability coverage, whichever occurs first. If the employee's disability extends beyond the ninety (90) day period, and the employee is not released by the physician to return

to work, employment will continue in an unpaid status for the period of time the employee is physically unable to return to work as substantiated by the attending physician. If the employee applies for and is accepted, pay will continue under long-term disability. Under ORS 659.385, the employee has reinstatement rights and must request such within 3 working days of the date of the full release by the treating physician. The County has ten (10) working days to respond to the request.

Return to Work

If the employee returns to work within the ninety (90) day period, it shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the pregnancy leave, except that benefits earned and accrued at the time of the beginning of the leave may be reduced by the amount of such benefits used during the leave. **NOTE:** Only that time in which "salary was paid" can be applied toward PERS service credit.

VI. OTHER TYPES OF LEAVE

A. Unpaid Leave (Voluntary)

Purpose

Unpaid leave is generally available only for absences for which time management or other types of paid or unpaid leaves are not available or appropriate.

1. Eligibility

Only permanent, nonprobationary employees are eligible for unpaid leave.

2. Authorization of Leave

No leave of absence without pay shall be granted unless a request is submitted by the employee and approved in writing by the appointing authority or by the County Administrator for appointed department directors.

Department directors are authorized to approve short-term unpaid leave of less than ninety (90) days. Unpaid leave of ninety (90) days or more must be approved by the Department Director and County Administrator. Approval of leave shall be obtained prior to the beginning of the leave periods. Leave will not normally be granted unless the County can be assured that the employee's work can be completed in their absence.

3. Application for Leave of Absence Without Pay

Request for such leave must be in writing and must establish reasonable justification for approval of the request. Such leave will not be approved for an employee who is accepting employment outside the County service unless

such leave and employment is part of an approved employee development program that will eventually benefit the County. Positions left vacant as a result of short-term unpaid leave should not be filled by temporary help or a working out-of-class appointment.

4. Continuous Service

Continuous service shall be employment unbroken by separation other than military or Peace Corps leave. Time spent on any other authorized unpaid leave of absence in excess of ninety (90) days shall not count as time of continuous service, however employees returning from such leave shall be entitled to credit for service prior to the leave.

5. PERS Service Contract

Only that time in which "salary was paid" can be applied toward PERS service credit.

6. Health Insurance Continuation During Unpaid Leave

To be eligible for County paid medical, dental and vision insurance, the employee must a) be in a paid status on the first working day of the month, and b) be working a minimum of 20 hours per week; or c) be eligible for insurance continuation under a qualified FMLA leave.

If an employee is on an unpaid leave and does not otherwise qualify for County paid medical, dental and vision, they may be eligible to self pay monthly premiums under the federal COBRA program. Contact Personnel Services for a COBRA application. COBRA benefits are explained in the health insurance handbook.

While on an approved unpaid leave, the employee may also self pay their life insurance up to a maximum of 3 months. Life insurance includes: employee life, dependent life, and/or supplement life.

B. Bereavement

An employee shall be reimbursed for lost work as a result of a death in the employee's immediate family at the regular straight time hourly rate to a maximum of three (3) days' pay or, to a maximum of five (5) days if out of state travel is required. The immediate family is defined as mother, father, husband, wife, sister, brother, child, grand-parent, grand-child, step-mother, step-father, step-child, father-in-law or mother-in-law. The use of bereavement leave will not be charged against the employee's accrued time management.

C. Jury Duty

An employee called for service on a jury will receive regular pay provided that payment made to the employee for jury service is remitted to the employee's

department director. The department director shall remit the jury's payment to the Accounts Receivable section of Finance and authorize the employee's regular pay.

If an employee's normal shift is other than 8 a.m. to 5 p.m., Monday through Friday, the department may approve a temporary schedule adjustment to accommodate jury service.

D. Military and Peace Corps

Purpose

Lane County cooperates with the military services by granting leave to eligible employees to participate in voluntary and ordered military training and active duty. Also time shall be granted for eligible employees participating in the Peace Corps Program.

Eligibility

All Lane County employees working in permanent or permanent part-time positions, including elected officials, who have been employed for six months shall be entitled to military leave.

Length of Leave

Regular Military Service: An employee shall be entitled to military leave without pay for service with the U.S. Armed Forces. Leave shall be approved to a maximum of four years unless extension is required in accordance with ORS 408.240 and Federal law. The employee shall provide a copy of military orders.

National Guard and Military Reserve Service: In addition to annual paid training leave, a member of the National Guard or reserve component of the U.S. Armed Forces shall be entitled to leave for training or schooling, whether voluntary or required, and for periods of emergency service. This includes National Guard duty in cases of disaster, such as floods, earthquakes, or to aid the enforcement of law. The employee shall provide a copy of military orders.

Peace Corps: Leaves of absence for at least two years shall be granted to an employee who has successfully completed the initial probationary period with Lane County. The employee shall provide a copy of the Peace Corps appointment document.

How Paid

Paid Leave: Paid military leave shall be granted for the lesser of a period of fifteen (15) consecutive calendar days or eleven (11) consecutive work days per calendar year, without loss of time, regular leave, or other rights and

benefits. Such leave will be granted and compensated based on the employee's regularly scheduled work period. There is no County paid time for Peace Corps service.

Unpaid Leave: In addition to the paid time, a member of the National Guard or reserve component of the U.S. Armed Forces shall be entitled to unpaid leave for training or schooling, whether voluntary or required, and for required periods of emergency service if such service extends beyond County paid Military leave of eleven (11) work days. The employee shall provide a copy of the military orders.

Use of Accrued Leave: Employees may use accrued time management, vacation, compensatory time, or other appropriate leave during periods of military leave beyond the County paid Military leave of eleven (11) work days.

Holidays that fall within the County paid Military Leave: Holidays that fall within the County paid military leave period will not extend the 15 consecutive day limitation, and will count as a paid day toward the 11 work day maximum.

Employees leaving County service for extended military leave (up to 4 years) shall be paid for all accrued time in accordance with current policies for terminating employees.

How Requested

Employees who receive inquiries regarding their availability for military leave, shall consult with their supervisor so that requests may be made to stagger absences to minimize disruption to work operations. The military services have the final authority in determining when an employee must report for military duty.

Employees who are ordered to report for military training or duty will be released from duty for any period of military leave to which they are entitled. If a full-time or part-time permanent employee who is a reservist or National Guardsman is not entitled to, does not request, or has exhausted military leave, the employee shall be granted accrued leave or leave without pay, as requested.

All requests for leave must be provided to the immediate supervisor in writing, including the beginning and projected ending date of the military leave. Copies of orders are to be provided as soon as they become available.

Return to Work or Reinstatement

Regular Military Service and Peace Corps Service: Within 90 days after completion of certified satisfactory military or Peace Corps service, the employee shall notify Lane County of intent to return from military leave.

Upon such notification Lane County shall return the employee to the position held just prior to military or Peace Corps service without loss of seniority or benefits. Pay shall be at the same step held before military or Peace Corps service but at the prevailing salary rate. Any employee who fails to report for work within ninety (90) days after military discharge or release from the Peace Corps shall be considered to have resigned.

National Guard or Military Reserve Service: For periods of Guard or Reserve service less than three months duration, the employee shall return to work immediately upon release from training or reserve service.

If it is established that an employee is not physically qualified to perform the duties of the employee's former position by reason of disability sustained during such service, the employee shall be reinstated in other work that the employee is able to perform at the nearest appropriate level of pay to the employee's former classification. Such employees shall make application for reinstatement within 90 calendar days after discharge from military service, and shall report for duty within six months following separation from active duty. Failure to comply will terminate the military leave.

E. Court and Legislative Appearances

1. An employee who appears before a court, legislative committee, judicial body, or quasi-judicial body as a witness in response to a subpoena shall receive regular pay provided that the compensation received as a witness is remitted to the department director. The department director shall remit the compensation to the Accounts Receivable section of Finance and authorize the employee's regular pay.
2. All time spent by nonexempt employees attending court in connection with their officially assigned duties, including the time required to go to the court and return to their work, is considered work time.
3. Travel time for nonexempt employees subpoenaed to attend court away from the home community shall be in accordance with Part 785 of the Fair Labor Standards Act.
4. Voluntary court appearances will not be compensated by the County. Staff may request use of accrued compensatory time or paid leave for such appearances.

F. Voting

Employees registered to vote but who are unable to vote in general elections due to work scheduling may be granted sufficient time off with pay to vote. Where such

circumstances can be foreseen in advance, such employees are expected to utilize the absentee ballot procedure as prescribed by Oregon Revised Statute 253.030.

G. Emergency Conflagration Act

The State of Oregon has an Emergency Conflagration Act which by Order of the Governor allows volunteer firefighters to be called to fight fires in emergency cases. Firefighters called out under this Act will be paid by the State.

An employee called for service under this act would be entitled to up to 30 days leave without loss of pay and may opt to:

1. Use accumulated leave, i.e., Time Management, existing vacation or comp time balances and retain state pay; or
2. If state pay is less than the employee's regular net pay, the County will subsidize the difference to a maximum of their current net pay.
3. If state pay is equal to or greater than employee's regular net pay, the employee will not be required to return the difference to the County.

The County will continue employee paid benefits as under other paid leave provisions. Any time required beyond 30 days would be considered an unpaid leave of absence.

H. Adverse Weather

When an employee is unable to report to work or reports late to work because of adverse weather conditions, the employee may elect to charge that time against accrued leave or to take a leave without pay.

If, due to adverse weather conditions, the County closes any or all of its essential operations after employees have reported for work, employees will be paid for regular work hours scheduled that day and will not be required to use accrued leave or to take leave without pay.

VII. HOLIDAYS

A. Holidays

The following days shall be recognized and observed as paid holidays subject to the provisions of the following administrative procedure:

New Year's Day
(January 1)

Labor Day
(1st Monday in September)

Martin Luther King's Birthday (3rd Monday in January)	Veterans' Day (November 11)
Presidents' Day (3rd Monday in February)	Thanksgiving Day (4th Thursday in November)
Memorial Day (Last Monday in May)	Christmas Day (December 25)
Independence Day (July 4)	

In December of each year Personnel Services will develop a list of all paid holidays for the upcoming year. This list will be distributed to County staff and posted on all County bulletin boards.

The Friday following Thanksgiving, though not to be construed as a holiday for pay purposes, shall be considered a day off with pay except for those employees required by the County to report for work. An employee required to work shall be given an alternate day off at the mutual convenience of the County and the employee. This alternate day off must be taken before the end of the fiscal year.

B. Weekend Holidays

Whenever a holiday falls on a Saturday, the preceding Friday shall be designated as the holiday. Whenever a holiday falls on a Sunday, the succeeding Monday shall be designated as the holiday.

C. Eligibility

1. Employees working in permanent positions budgeted or approved for more than six (6) months shall receive holiday pay for legal holidays.
2. Eligible part-time or job-sharing employees shall be compensated for holidays as follows:
 - a. During the week of a holiday, **COUNTY** may permit part-time employees an opportunity for modification of their work schedule so as to work additional hours in order to receive a normal pay check, including prorated holiday pay, without having to use time management leave or other earned leave.
 - b. In developing an opportunity for a modified work schedule for the week of a holiday, **COUNTY** shall give good faith consideration to part-time employees interests regarding an alternate work schedule provided that **COUNTY's** operational needs can be met. When work requirements are such that a team or work group approach is necessary for productivity and/or effective accomplishment of work, **COUNTY**

may develop a single modified work schedule which seems to best accommodate the interests of the majority of the employees on the team or work group and meet the operational needs of the **COUNTY**. The team or work group shall have the option of determining whether to operate using the normal or modified work schedule.

- c. If the **COUNTY** does not permit part-time employees an opportunity for a modified work schedule for the week of a holiday pursuant to paragraph 1 or 2, above, employees shall receive full holiday pay for the actual hours they would have worked on the holiday.
- d. If part-time employees are offered an opportunity by **COUNTY** for a modified work schedule for the week of a holiday pursuant to paragraph 1 or 2, above, and elect not to change from the normal work schedule, employees must use accrued time management leave or other earned leave to supplement the prorated holiday pay in order to receive a normal pay check or receive a short pay check based on prorated pay for the holiday.

- 3. Temporary, seasonal or extra help employees shall not receive compensated holidays.

D. Qualification

- 1. To qualify for paid holiday leave, eligible employees (as defined in section C) must:
 - a. Report for work on the last scheduled workday prior to, and the first scheduled work day following, the holiday; or
 - b. Be on approved paid leave or furlough on the last workday prior to the holiday, the first workday following the holiday, or both.
- 2. Employees who meet the qualifications stated in section C above but who retire before a holiday occurs, but within the pay period, will receive holiday pay for the holiday following the date of retirement but need not report to work on the day following the holiday. This is in recognition of years of service.

E. Holiday During Paid or Vacation Leave

If an employee is on authorized paid leave or vacation when a holiday occurs, such holiday shall not be charged against such leave or vacation. A holiday does not extend the 90 calendar day County-paid employee medical leave.

F. Holiday Pay

1. Eligible employees shall receive one (1) day's pay for each designated holiday that falls on a day the employee otherwise would work.
2. An eligible, full-time employee, voluntarily working an alternative work schedule, will be required to use accrued Time Management or compensatory time to supplement the eight (8) hours of holiday time off. However, with the approval of the department head or her/his designee, the employee may revert to a five (5)-day, eight (8)-hour work schedule on any week which includes a holiday.
3. An eligible, full-time employee, required by the County to work an alternative work schedule, shall be paid for the holiday in accordance with the number of hours they normally would have been scheduled to work.
4. Whenever a holiday falls on an employee's scheduled day off, the last normal workday before the holiday or the first normal workday following the holiday (whichever is closer) shall be designated as the holiday. Whenever the holiday falls equally between workdays, the last workday before the holiday shall be designated as the holiday. However, as an option, upon mutual agreement between the department head or her/his designee and the employee an alternate day off may be granted.
5. Eligible employees shall receive one and one-half (1-1/2) times the regular straight-time rate in addition to their regular holiday pay for all work performed on a designated holiday. If the employee and the department head (or her/his designee) agree, an equivalent credit of compensatory time off may be given in lieu of the paid overtime. Such time shall be coded to compensatory time on the time card.
6. The pay provisions of this subsection F shall not apply to classifications designated as exempt. Exempt employees who are required to work on a designated holiday shall receive equal time off at a time convenient to the employee and the County. On the time card, such time shall be coded to the area designated for compensatory time.

G. Personal Time in Lieu of Holidays

1. Exempt employees in the Department of Public Safety within classifications in compensation groups 10, 11, 12 and non-exempt employees in compensation group 09/05, shall receive personal time off in lieu of holidays.
2. Personal time shall accrue at a rate of 3.692 hours per pay period.

3. Personal time off may be taken at times agreed upon by the employee and the County and shall be compensated at the straight-time rate.
4. When terminated, employees who have accumulated personal time up to specified limits shall be paid for such personal time at the straight-time rate.

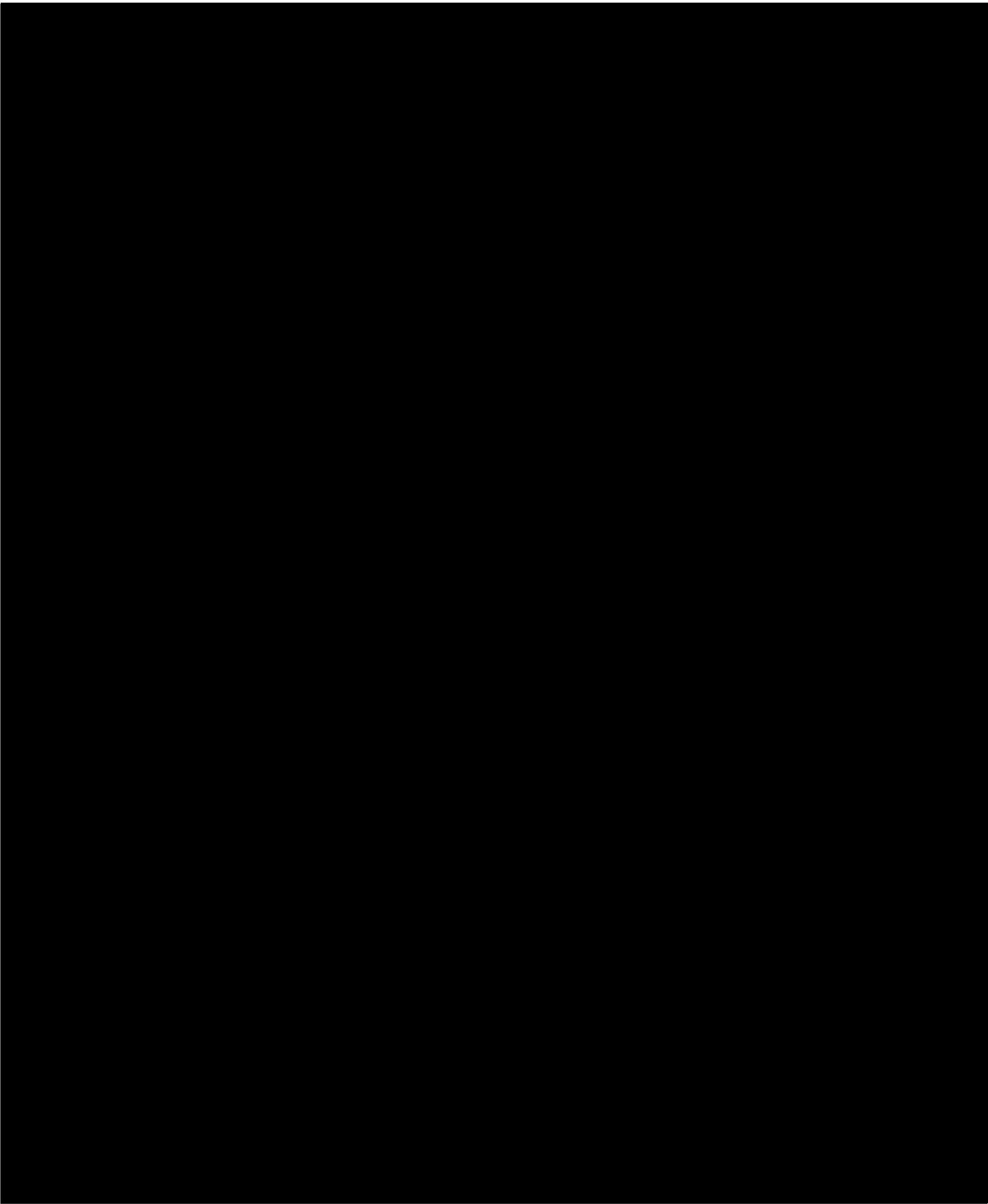
VIII. INTERPRETATION AND IMPLEMENTATION

Any questions relative to the intent or application of this procedure should be directed to the Director of Management Services, who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: 
County Administrator

10/4/12
Effective Date

#12



#13

Lane County
125 East 8th Avenue
Eugene, OR 97401

Pay Group: BWK-Bi-Weekly Pay Group
Pay Begin Date: 07/06/2013
Pay End Date: 07/19/2013

Business Unit: LANE
Advice #: 00000000443033
Advice Date: 07/26/2013

Lane I. Richardson

Employee ID: 1873
Department: 03020-CAO Administration
Location: Public Service Building
Job Title: County Administrator
Pay Rate: \$73.250000 Hourly

Fiscal Hours YTD: 120.00

TAX DATA: Federal OR State
Marital Status: Single Single
Allowances: 4 4
Addl. Percent:
Addl. Amount:

HOURS AND EARNINGS						TAXES		
Description	Rate	Current Hours	Earnings	Hours	YTD Earnings	Description	Current	YTD
CELL PHONE STIPEND			35.00		245.00	Fed Withholding	640.95	21,176.90
Personal Digital Assist Stipend			35.00		245.00	Fed MED/EE	59.87	1,653.25
NORMAL HOURS	73.250000	80.00	5,860.00	1,104.00	80,833.76	Fed OASDI/EE	236.31	7,049.40
TIME MGMT SOLD	73.250000	-25.17	-1,843.70	225.17	16,493.67	OR Withholding	266.23	8,697.68
TIME MGMT - VACATION			0.00	48.00	3,413.28	OR Loc ER/EE	1.32	17.60
HOLIDAY			0.00	48.00	3,481.76			
RETRO PAY			0.00		2,568.00			
SS RCVD in Lieu of ER			0.00		1,726.69			
DefComp%								
VEHICLE ALLOWANCE			0.00		3,955.00			
TOTAL:		54.83	4,086.30	1,425.17	112,962.16	TOTAL:	1,204.68	38,594.83

BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS			EMPLOYER PAID BENEFITS		
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD
Great West Deferred Comp	50.00	750.00	AFLAC Group After Tax	7.98	119.70	High Deductible Health Plan	714.00	9,996.00
Dependent Care FSA	134.61	2,019.15	GW Loan Re-Payment	67.19	671.90	Dental Insurance	54.50	763.00
AFLAC Pretax for Group Cvr	17.48	262.20	CHARITABLE CONTRIBUTION	0.00	1,058.75	Vision Insurance	6.50	91.00
AFLAC Pretax for Individual	19.44	291.60	NET PAY ADJUSTMENT	0.00	0.00	FMLA Administration	1.13	15.82
Parking Lot 752	0.00	364.00	Direct Deposit Already Rcvd	0.00	4,521.93	Short Term Disability Admin	1.45	20.30
			Supplemental Life for Spouse	0.00	9.52	EAP/IBH Admin Cost	2.63	36.82
			Supplemental Life for Dependnt	0.00	1.75	Flexible Spending Admin	0.63	8.82
			Supplemental ADD for Family	0.00	42.00	Life and AD/D	26.88	376.32
			Supplemental Life for Employee	0.00	95.20	Life and AD/D*	10.00	140.00
TOTAL:	221.53	3,686.95	TOTAL:	75.17	6,520.75	Unemployment Tax Fringe	16.73	250.95
						Long Term Disability	17.09	239.26
						Workers Compensation	17.58	263.19
						Other	1,243.08	32,238.41
						*TAXABLE		

TOTAL GROSS	FED TAXABLE GROSS	TOTAL TAXES	TOTAL DEDUCTIONS	NET PAY
4,086.30	3,874.77	1,204.68	296.70	2,584.92
112,962.16	109,415.21	38,594.83	10,207.70	64,159.63

Accruals					NET PAY DISTRIBUTION		
TM	AltHol				Account Type	Account Number	Deposit Amount
Jan 1 Balance	790.482	0.000	0.000	0.000	Checking	XXXXXXXXXX1883	1,125.00
+ YTD Earned	198.466	0.000	0.000	0.000	Checking	XXXXXXXXXX5663	1,459.92
- YTD Taken	273.170	0.000	0.000	0.000			
+ YTD Adjustments	0.000	0.000	0.000	0.000			
End Balance	715.778	0.000	0.000	0.000	TOTAL:		2,584.92

MESSAGE:

Lane County
125 East 8th Avenue
Eugene, OR 97401

Date: 07/26/2013

Advice No. 443033

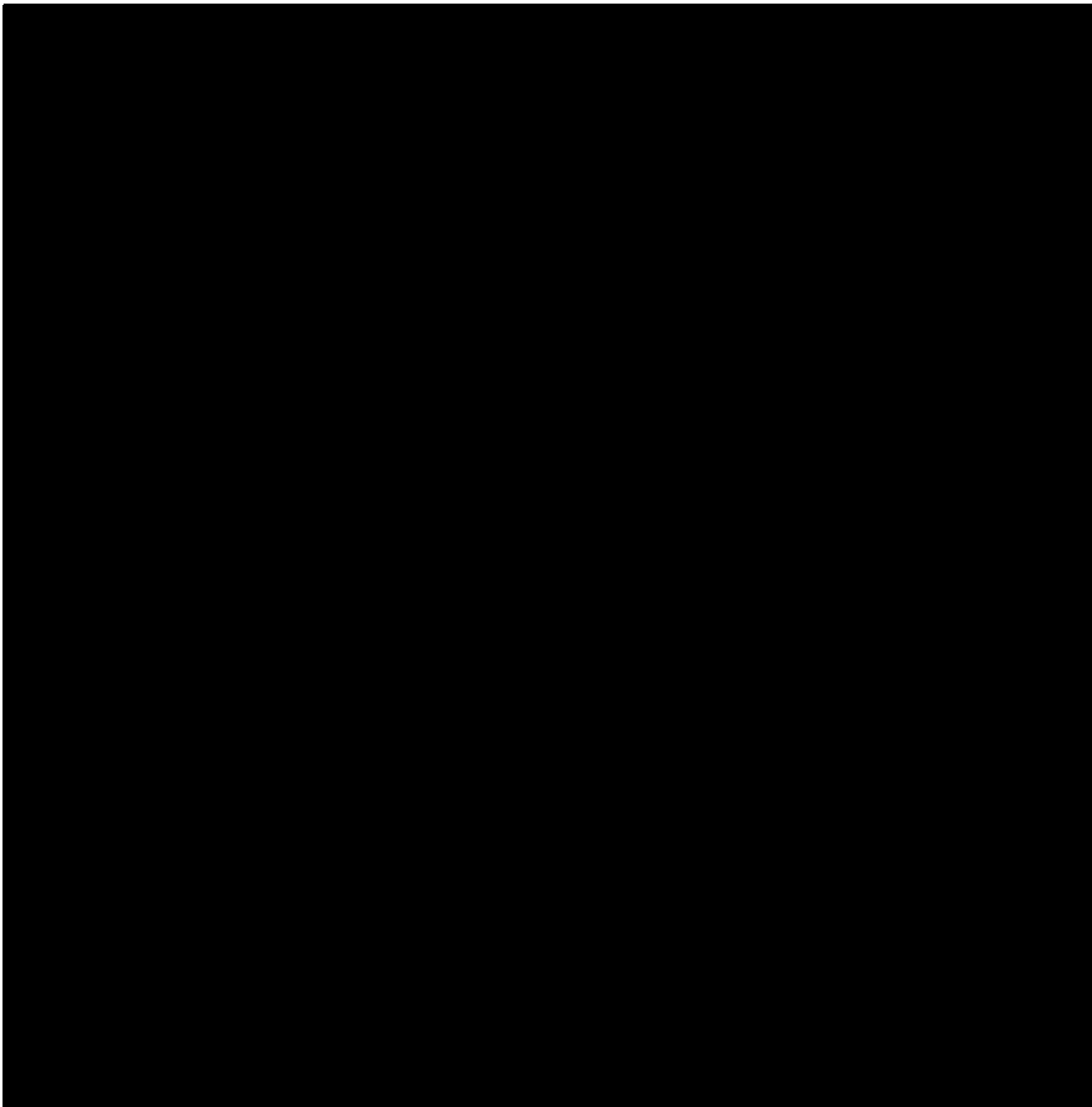
Deposit Amount: \$2,584.92

To The
Account(s) Of

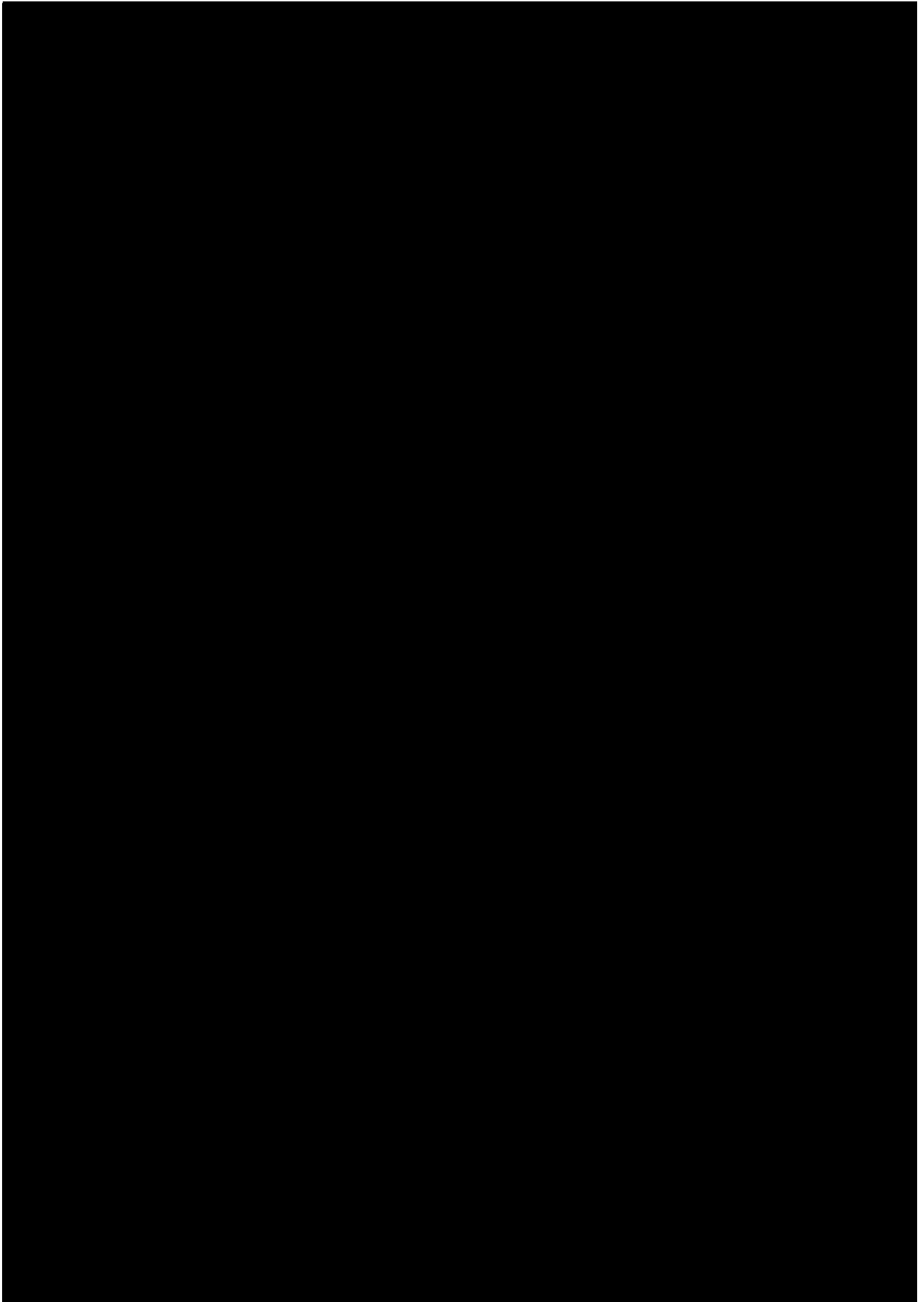
LIANE I. RICHARDSON

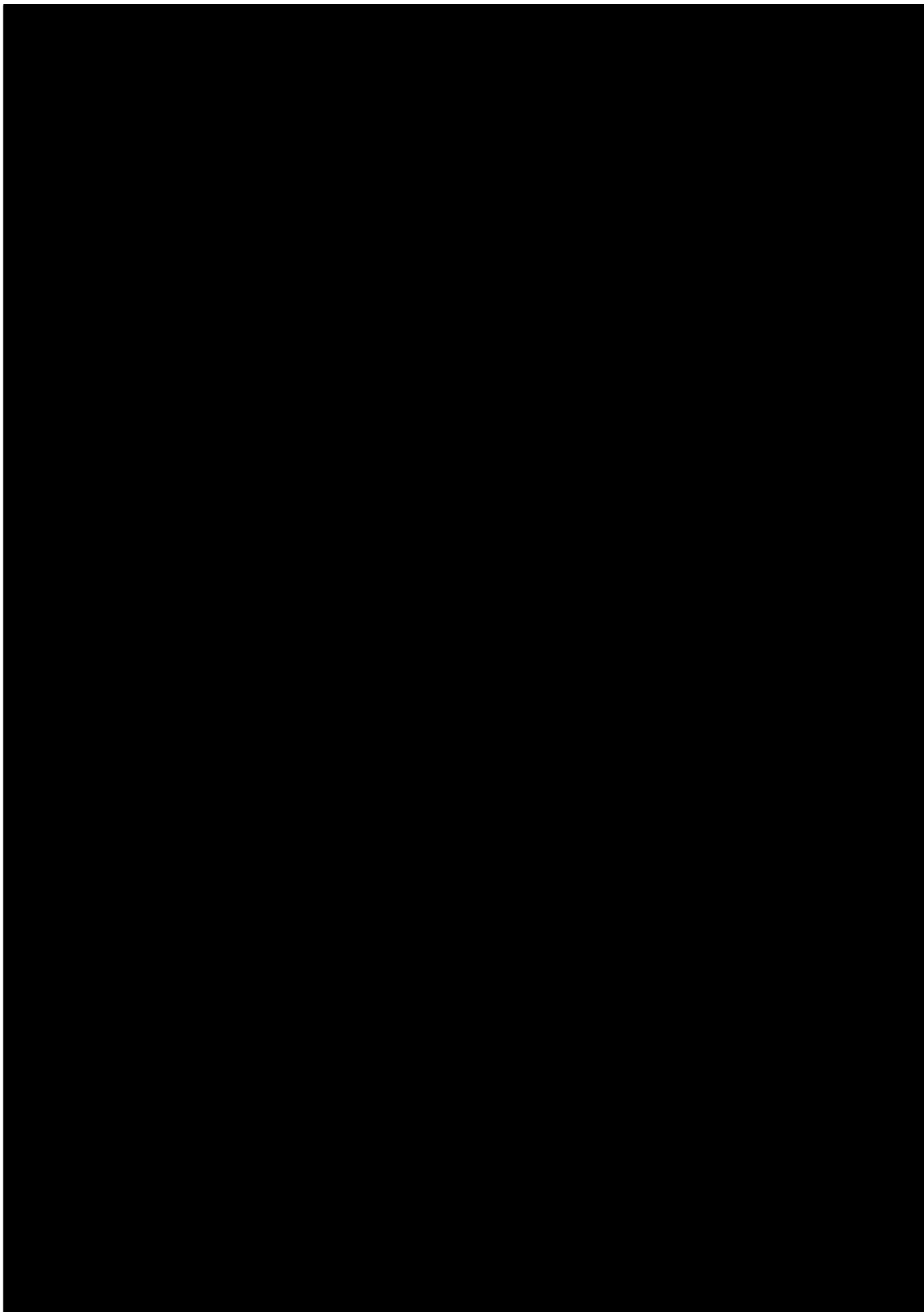
NON-NEGOTIABLE

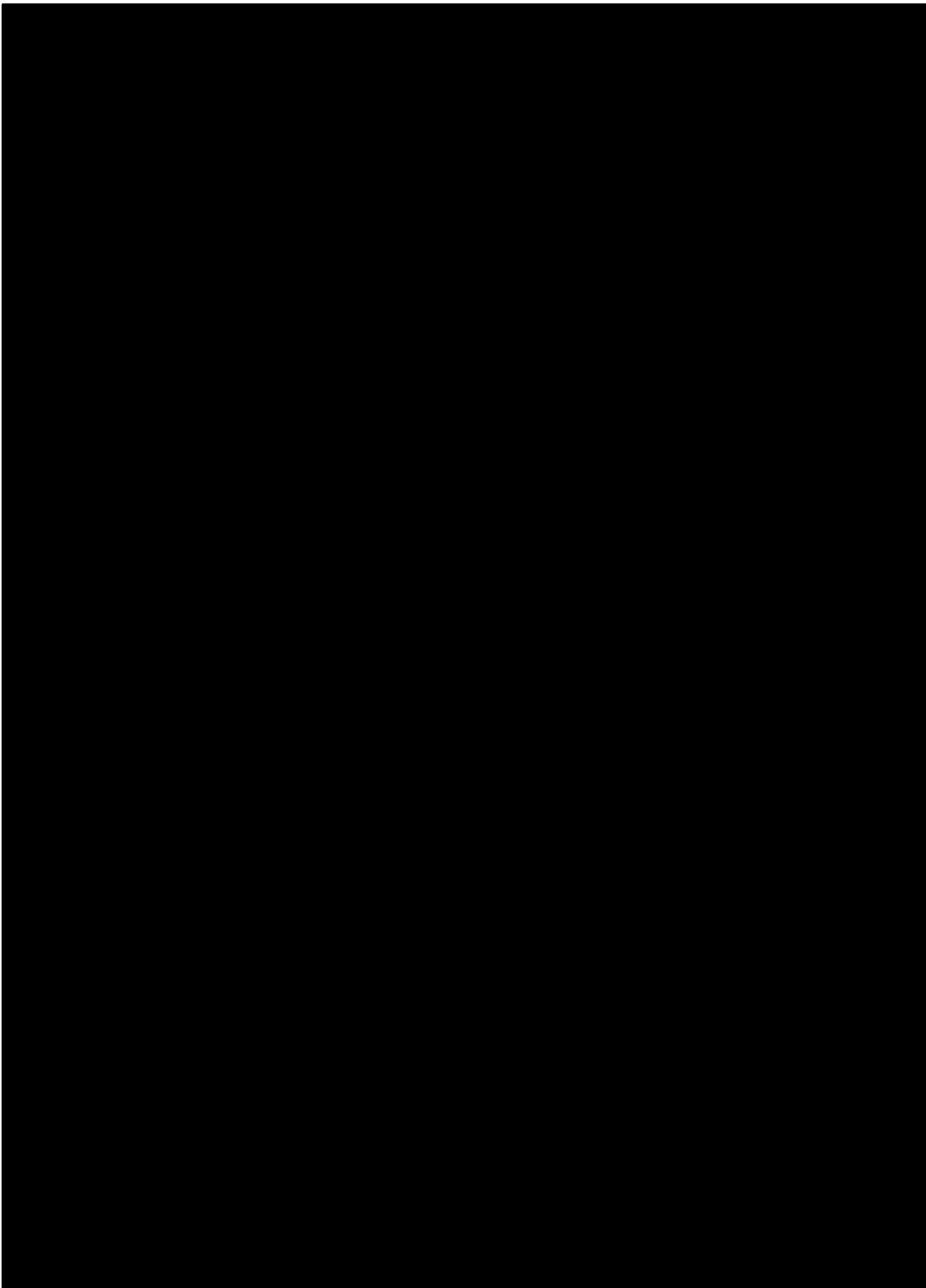
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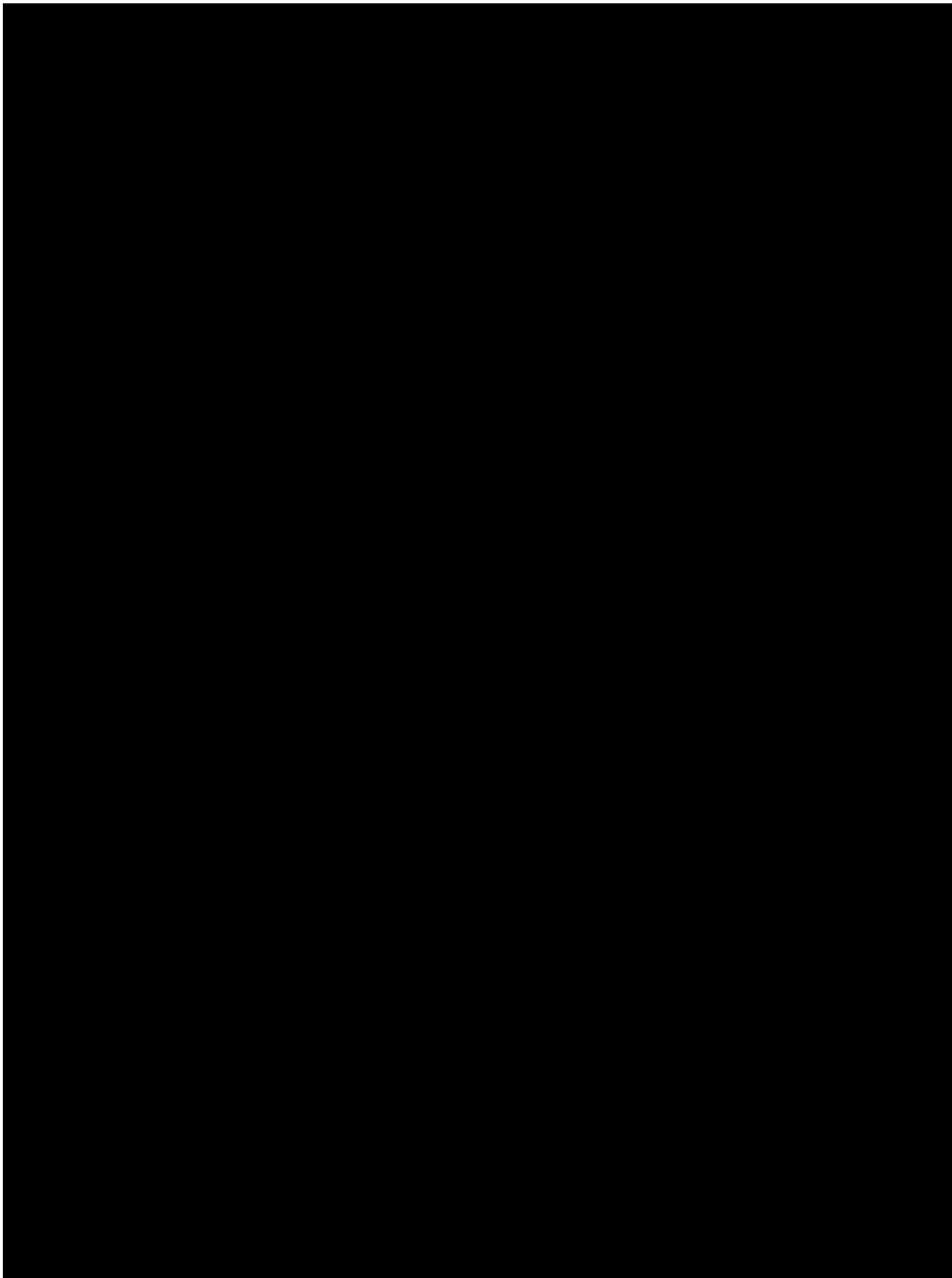


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#16

Report ID : 3-SBFS-0001
Run Date : 07/30/2013
Run Time : 10:41 AM

Lane County, OR
Position Annual Trace Report

Adopted Budget

14_ADOPTED_WH - FY 13-14 Adopted w/Final Health F

Position Organization 5100000-COUNTY ADMINISTRATION
Position 13290 Position Class V001 - County Administrator
Employee Number 1873

First Name	Last Name	Category	Grade	Step	Promotion Date	Class
Liane	Richardson	07	015	3	7/1/11	V001 - County Administrator
Step/Non-Step Table		Lump Sum	Count	FTE	Salary Percent	Benefit Percent
			1	1.00	100	100

Projected Salary	Accumulator 1	Accumulator 2	Accumulator 3	Accumulator 4	Accumulator 5	Gross Salary
154,650	160,836	154,650	154,650	154,650	154,650	214,692

Unemployment	Workers Compensation	OASDI	Medicare	Statutory Total	Benefit Total	Supplemental Pay Total	Total Salary Cost
512	642	13,308	3,114	17,576	90,045	60,042	322,313

Benefit Code	Benefit Name	Benefit Amount
BENDC	Def Comp Admin Fee	0
BENDC1	Deferred Comp - 1%	2,142
BENDENTAL	Dental - ODS	1,275
BENEEIAP	EE Asst Pgm/IBH	60
BENFLEX	Flexible Spending Admin	12
BENHEALTHD	Health STANDARD HSA	17,935
BENLIFE	Life/Additional Life	192
BENLTD	Long Term Disability	1,716
BENPERS	PERS Pension	31,578
BENPERSBOND	PERS Bond	16,638
BENPERSPU	PERS/OPSRP Pick-up	12,882
BENSTD	Short Term Disability	24
BENVISION	Vision	179
RETMED	Retiree Medical	5,412
Total Benefits		90,045

Supplemental Pay Code	Supplemental Pay Name	Supplemental Pay Amount
CP	Cell Phone Stipend	420
DC_CASH	Cash in Lieu of Deferred Comp	6,186
PDA	PDA Stipend	420
TM100	Time Mgt Sale 100hrs	8,622
TM200	Time Mgt Sale 200hrs	18,732
TM30	Time Mgt Sale 30hrs	2,460
TM60	Time Mgt Sale 60hrs	4,590
TM70	Time Mgt Sale 70hrs	5,184
TM80	Time Mgt Sale 80hrs	6,648
V	Vehicle Allowance	6,780
Total Supplemental Pay		60,042

#17



LANE COUNTY

DEPARTMENT of HUMAN RESOURCES / 125 East 8th Ave. / Eugene, OR 97401
Phone: (541) 682-3665/ Fax: (541) 682-4290

RECEIVED

JUN 23 2011

Lane County
Human Resources

EMPLOYMENT AGREEMENT

This agreement is entered into and effective this 15th day of June, 2011, by and between Lane County (County) and Liane Richardson (Administrator).

- 1 Position, duties and term: The County hereby employs the Administrator as its Chief Administrative Officer, and the Administrator hereby accepts the position of County Administrator under the following terms and conditions.
 - 1.1 Term: The Administrator's term of employment shall commence on June 15, 2011, and shall end 3 years after the date of commencement unless otherwise modified by a subsequent employment agreement.
 - a. Extension of Term: Unless the Administrator's employment is terminated pursuant to 1.1(c) of this agreement, it shall automatically renew on June 15, 2013, for an additional year, and every 15th day of June thereafter. Therefore, after June 15, 2014, this Agreement will become an annual contract, renewed a year in advance. In addition, if a change in Board members occurs during the Administrator's term of employment, this Agreement shall not expire until two years after the change in membership of the Board.
 - b. Election not to Extend Term: Either party may elect to not automatically extend the Agreement by giving written notice to the other party 60 days prior to the date when automatic extension would occur.
 - c. Early Termination: The County may terminate this Agreement for Cause. In such cases, Administrator shall receive 2 weeks pay and time management payouts as set out in the Lane County Administrative Procedures Manual. If the termination is without Cause, County agrees to pay Administrator the full value of one-year's salary and benefits, including value of PERS payments, and all accrued time management.
 - d. Early Resignation: The Administrator may terminate this Agreement by providing notice to the County at least 60 days prior to the effective resignation date.
- 2 Compensation
 - 2.1 During the term of the initial Agreement, Administrator shall be paid a base salary of \$147,900. An initial evaluation shall occur within 12 months of the effective date of this Agreement. If the evaluation is successful or better, Administrator shall receive an increase of 3% to the current base salary. Compensation

surveys shall be conducted by the Human Resources Director yearly thereafter, and recommendations as to salary increases shall be made to the Board at the annual evaluation. Administrator's salary shall not be reduced below the amount previously in effect unless county-wide furloughs, reductions in pay, or other county-wide changes to base salaries occur.

- 2.2 Administrator shall receive any cost of living increases and benefits that are provided to County non-represented employees.
- 2.3 Administrator shall receive a vehicle and phone stipend, consistent with County policies.
- 2.4 Administrator shall receive a 5% payment into her Deferred Compensation account.
- 2.5 Administrator shall have PERS payments made into her account consistent with how PERS payments are made for other non-represented employees.
- 2.6 Administrator shall accrue time management as other non-represented county employees with the same years of service accrue such time.
- 2.7 Administrator shall receive a one-time payment of \$15,000. This shall be paid to Administrator on the first pay-date in fiscal year 2011-2012.

IN WITNESS WHEREOF, this agreement has been executed by employer and employee on this 22nd day of June, 2011

LANE COUNTY, EMPLOYER
LANE COUNTY BOARD OF COMMISSIONERS


EMPLOYEE
LIANE I. RICHARDSON



Faye Stewart, Chair

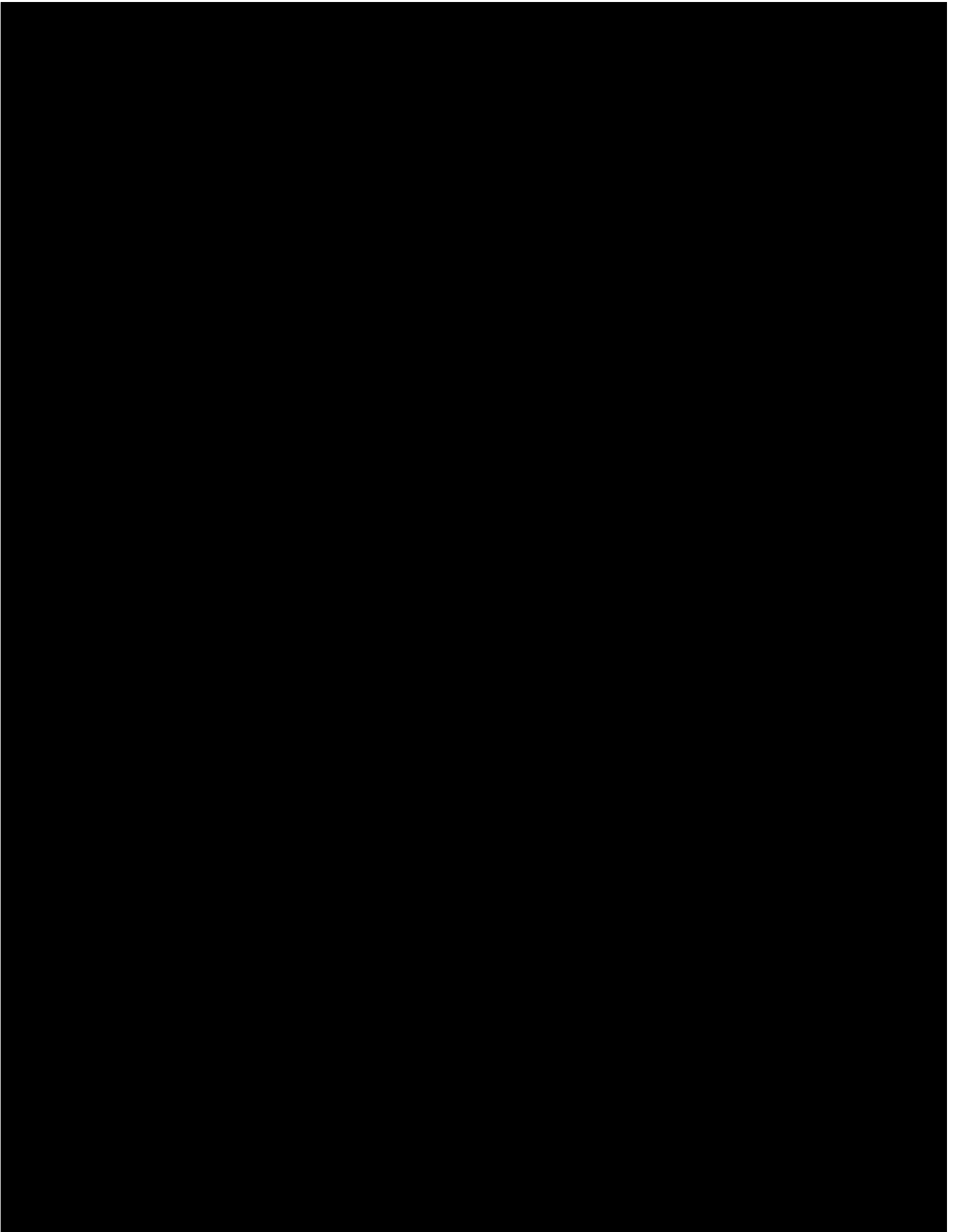


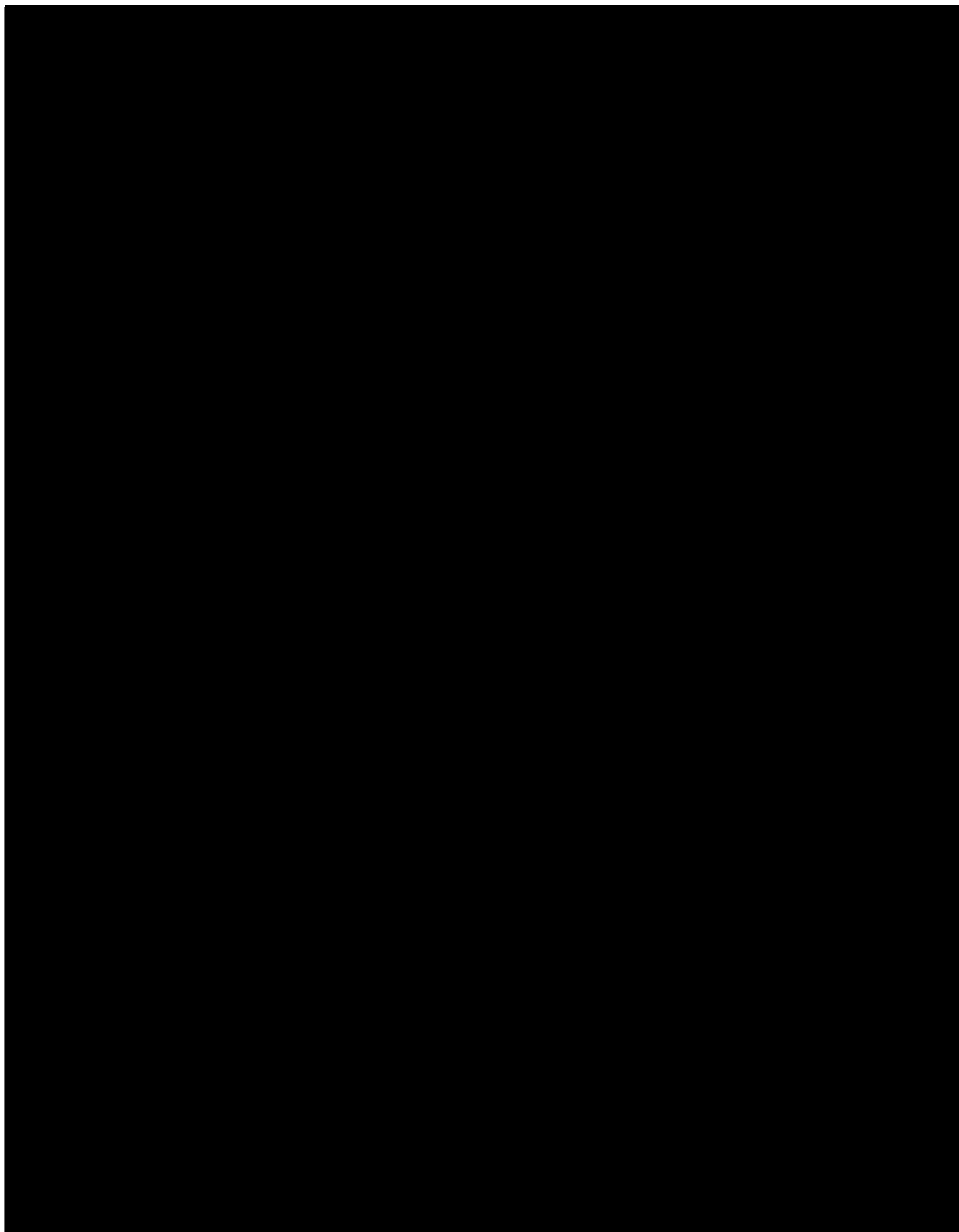
Liane I. Richardson

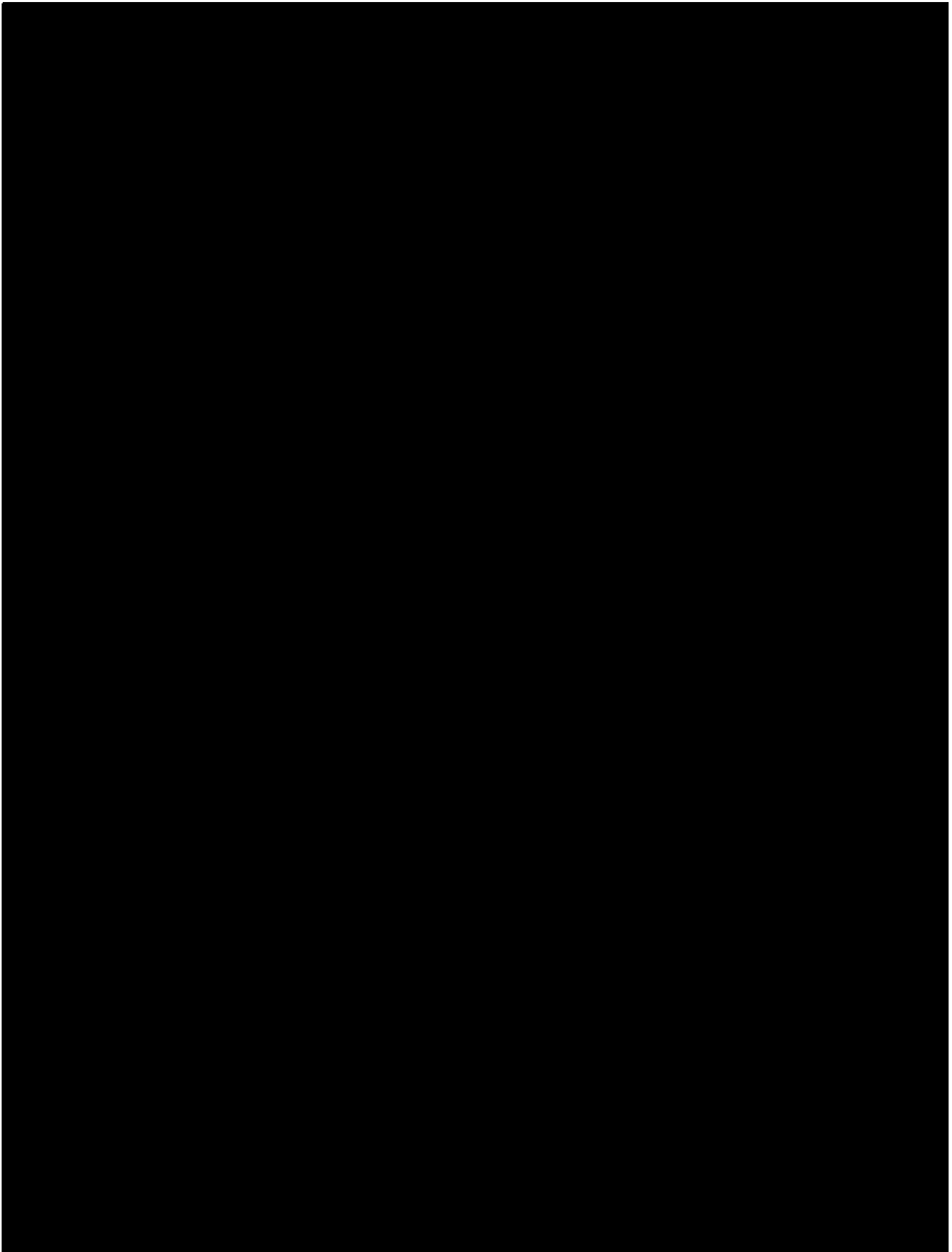
APPROVED AS TO FORM
Date 6-22-2011 lane county


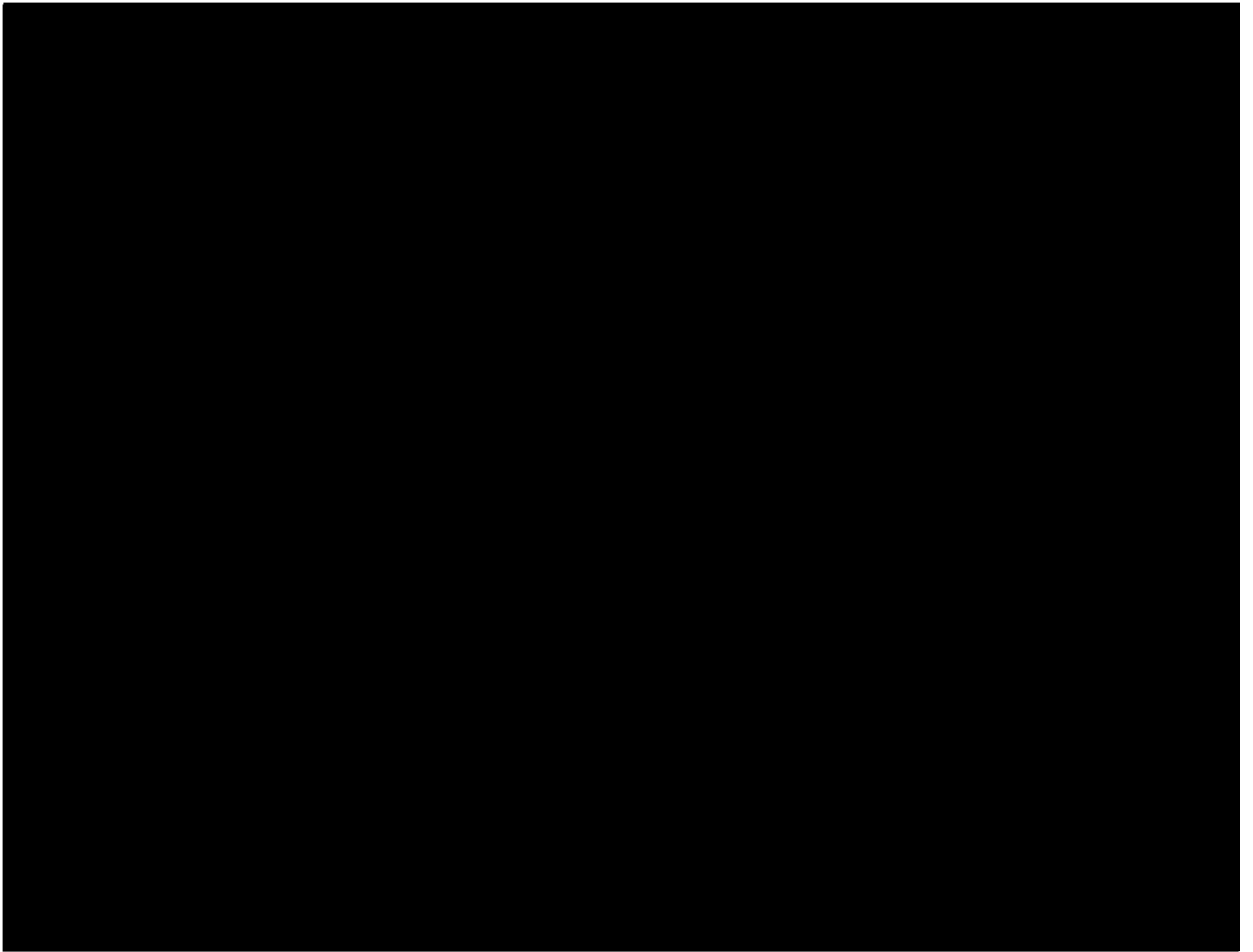
OFFICE OF LEGAL COUNSEL

#18

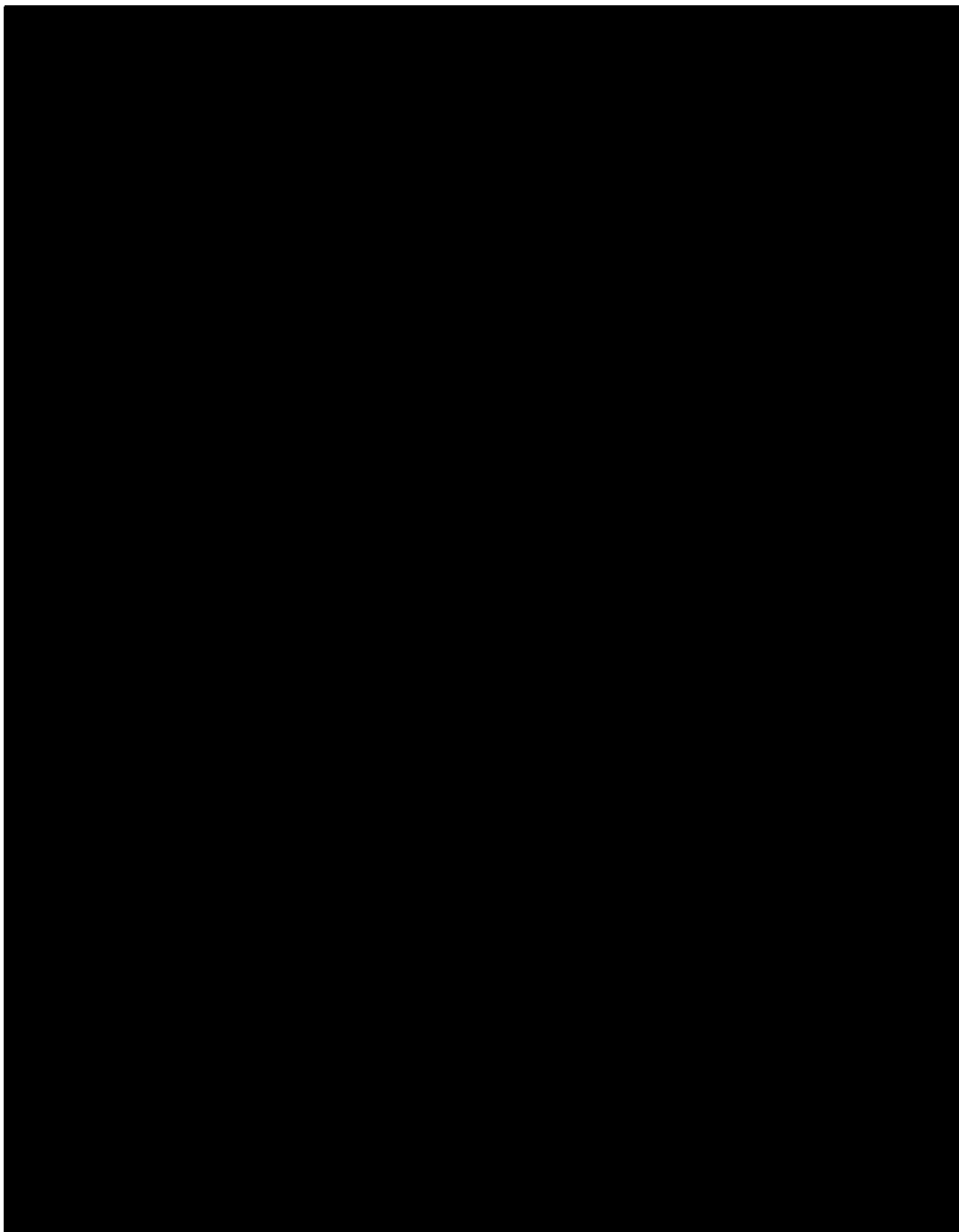


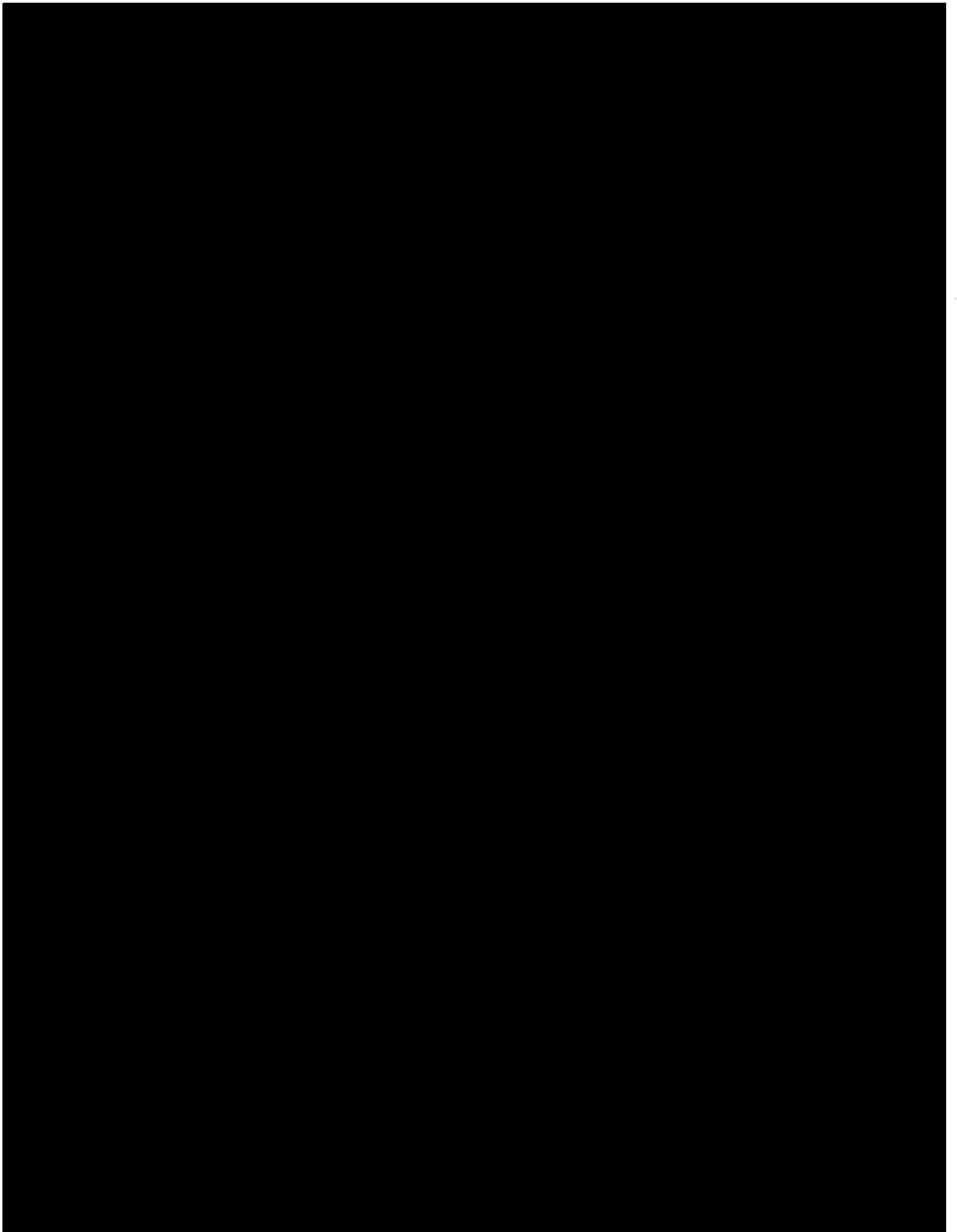


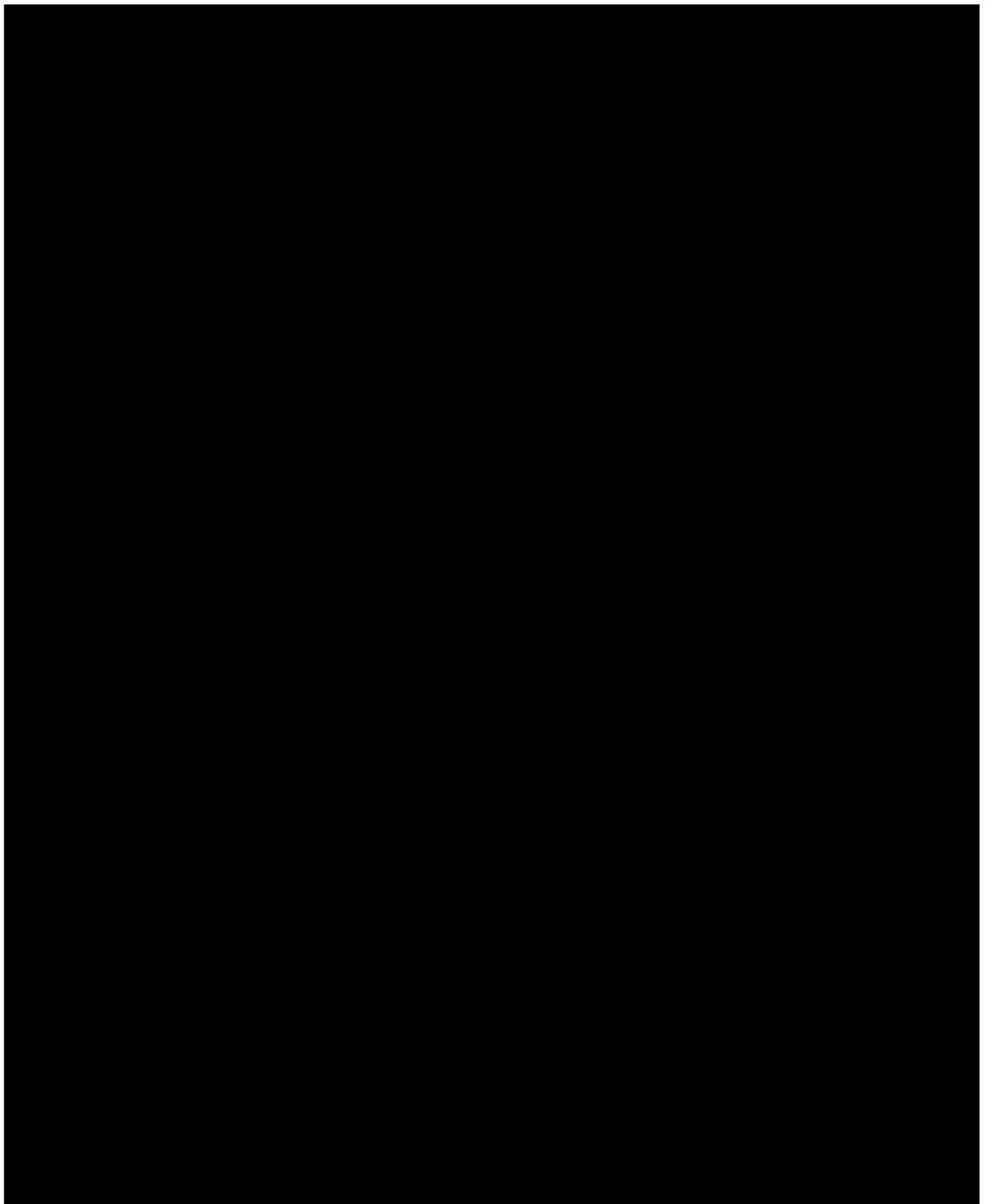




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